

## **I. White House/NPR Involvement in the CUSA Program**

### **A. Introduction**

Two distinct themes emerge from the allegations raised by members of Congress with respect to the CUSA initiative. First, that the quality of naturalization adjudications was compromised during CUSA. Second, that these compromises resulted from political pressures engineered by the White House.<sup>1</sup> Previous chapters in this report have addressed the first issue; in this chapter, we examine allegations concerning White House pressure on INS and its CUSA program.

As we discuss in earlier sections of this report, our investigation found that the poorly managed CUSA program was initiated by INS (without White House input) as a legitimate response to a growing backlog of naturalization applications. White House officials became involved in CUSA in early 1996—before INS had made significant inroads into its naturalization backlog—by making the program a target of aggressive “reinvention” efforts by the National Performance Review (NPR).<sup>2</sup> During an approximately 6-week period in March and April 1996, NPR officials visited the INS Key City Districts and attempted to shake up INS bureaucracy by suggesting changes to INS’ hiring procedures.

We found that this White House/NPR interest in CUSA added to the significant pressure that already existed on INS to meet the ambitious backlog reduction and case processing goals it had set for itself and publicized widely. INS’ single-minded focus on processing cases to meet these goals, in turn, led to a series of mistakes, shortcuts, and mismanagement that adversely affected the quality of naturalizations conducted during the CUSA program as discussed throughout this report. That said, we found that the White House/NPR interest in CUSA did not result in INS lowering standards or changing its procedures in

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<sup>1</sup> Unless otherwise stated, we use the term “White House” in this chapter to mean both the Office of the President and the Office of the Vice President.

<sup>2</sup> The National Performance Review (which became the National Partnership for Reinventing Government in 1998) was created in March 1993 to develop initiatives to address areas in the federal government in need of reform. The original task force included approximately 250 career civil servants and a few state and local government employees and consultants.

order to get more applicants naturalized in time for the 1996 election in the hope they would vote for the Democratic Party, as alleged. At the same time, we also found that the efforts of NPR’s reinventors did not improve the program or enhance the quality of adjudications.

As part of our investigation, we examined the reasons for the White House/NPR involvement in CUSA. We found evidence that White House officials were interested in INS’ naturalization program for a variety of reasons, including “political” reasons that related to the November 1996 election, but from the evidence available we did not find that those interests resulted in any improper actions. We describe both the evidence that we found that relates to the reasons for the White House and NPR involvement in CUSA as well as White House officials’ explanations for their actions.

The interaction between the White House and INS is the primary focus of our narrative in this chapter. We interviewed INS personnel in Washington, D.C. and in the five CUSA Key City Districts (Chicago, Los Angeles, Miami, New York, and San Francisco). We also spoke with members of community-based organizations in the Key Cities.<sup>3</sup> In addition, OIG personnel interviewed senior officials at the Department of Justice—including Attorney General Janet Reno and former Deputy Attorney General Jamie Gorelick—and government employees associated with the Federal Executive Boards (FEBs) in Washington, Los Angeles, and New York.

The OIG also sought to interview various NPR personnel and White House officials. At the NPR, we interviewed Douglas Farbrother and Laurie Lyons (the two staff members assigned primarily responsibility for working with INS to “reinvent” the naturalization initiative), and Robert Stone, NPR’s Director. At the White House, former Chief of Staff Leon Panetta, Senior Assistant to the President Kevin O’Keefe, Policy Advisor to the Vice President Elaine Kamarck, Domestic Policy Advisor Carol Rasco, Policy Analyst Stephen Warnath, and White House aide Lee Ann Inadomi agreed to OIG requests for interviews. However, several former White House employees declined our request for an interview, including former Deputy Chief of Staff

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<sup>3</sup> As discussed herein, several members of community-based organizations (CBOs) participated in discussions with White House officials about the CUSA program. Two such individuals, Father Miguel Vega and Larry McNeil, both affiliated with the Industrial Areas Foundation (IAF) in southern California, declined OIG requests for interviews.

Harold Ickes, former Director of Special Projects Rahm Emanuel,<sup>4</sup> and former staff members John Emerson, Aracelli Ruano, and Jennifer O'Connor.

The OIG sought an interview with Vice President Gore but he declined our request. However, the Vice President in November 1999 answered written questions submitted by the OIG. A complete copy of the OIG's questions and the Vice President's responses are included as appendices to this report. Although we requested a written attestation to the truth of the Vice President's submission, his answers were drafted in the third person and no attestation was provided.

We did not seek to interview President Clinton because we did not develop sufficient information that merited our requesting such an interview.

We first describe in detail the involvement of the White House and the NPR in the CUSA program. We next discuss the effects of this involvement and then conclude the chapter by examining evidence concerning possible motivations that led White House officials to involve themselves in CUSA.

## **B. Chronology of White House/NPR Involvement in CUSA**

### **1. Background Information**

As we discuss at length in the overview chapter of this report, Commissioner Meissner was the primary reason INS focused its resources on naturalization. As she later explained to the OIG, INS did not have a "strong track record in customer service," and she felt that naturalization was "a tailor made opportunity ... for a government agency to do something that's important to the country." She added: "I was really interested ... in transforming the naturalization process as a bureaucratic process into one that would really be an exemplar of the way government ought to interact with its customers." Senior officials at the Department of Justice and at INS corroborated Commissioner Meissner on this point, telling us how Commissioner Meissner made naturalization one of her top priorities from the very beginning of her tenure. Commissioner Meissner told the OIG that it was important for INS to balance

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<sup>4</sup> During the relevant time period, Emanuel was the Director of Special Projects. In December 1996, Emanuel was promoted to the position of Senior Advisor to the President for Policy and Strategy.

its enforcement efforts in policing illegal immigration with its service efforts to legal immigrants.

Commissioner Meissner said her strong interest in naturalization led her to try to get the White House interested in naturalization and she sought, without success, to enlist the President's participation in a naturalization ceremony. Commissioner Meissner said she frequently made this suggestion during meetings of an interagency working group on immigration policy that she co-chaired with Carol Rasco, the President's Domestic Policy Advisor.<sup>5</sup> This working group, under the aegis of the Domestic Policy Council (DPC), coordinated the Clinton Administration's immigration policy and was the venue for most of the contacts between the White House and INS during the Clinton Administration's first term.<sup>6</sup>

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<sup>5</sup> Aside from the DPC meetings, one of the few naturalization-related contacts we found between the White House and INS prior to 1996 involved a June 1995 request from Lee Ann Inadomi, the aide in the White House Office of Cabinet Affairs responsible for dealing with the Department of Justice, that INS provide her the names of newly naturalized citizens so that President Clinton could send personalized congratulatory letters. Inadomi told the OIG that she had been given this assignment by someone on the White House staff, but could not remember who. She suggested that it may have been Jennifer O'Connor, who worked for Ickes and had previously worked in the Office of Cabinet Affairs.

Inadomi pursued the matter and eventually spoke to INS Executive Associate Commissioner Robert Bach. In a memorandum dated July 7, 1995, Bach informed Inadomi that the proposal raised "several operational and policy issues" in light of the fact that INS expected to naturalize more than 600,000 individuals in FY 1995. Bach wrote that sending personalized letters to each new citizen would require a "substantial investment of resources." The memorandum pointed out that all new citizens already received a letter from President Clinton entitled "Dear Fellow American," and that such generic letters had been distributed by INS for several years. The memorandum also noted that the request raised Privacy Act concerns similar to those that led INS to stop providing lists of naturalized citizens to members of Congress. After warning that a White House initiative to contact newly-naturalized citizens "might be criticized as campaign politics in anticipation of the 1996 election," the memorandum recommended that INS simply continue handing out generic congratulatory letters.

Inadomi told the OIG that she forwarded Bach's memorandum to the person who had asked her to make the inquiry. We found no evidence that the White House pursued the issue further.

<sup>6</sup> Director of Special Projects Rahm Emanuel often attended these meetings. According to witnesses at INS and the Department of Justice, Emanuel was increasingly responsible at

Commissioner Meissner's efforts to engage the President in publicly supporting INS' naturalization program in 1995-1996 occurred against the backdrop of the referendum in California known as Proposition 187 that denied state benefits to non-citizens. Proposition 187 was identified with the Republican Party in general and California's Republican Governor Pete Wilson in particular. These events and national discussions concerning welfare reform (which, like Proposition 187, considered changes in entitlements for non-citizens) not only aroused fear and activism among segments of the immigrant population, but was also one of the reasons that led record numbers of legal permanent residents to apply for citizenship.

## **2. CBO leader brings naturalization to the attention of the White House**

Daniel Solis, head of United Neighborhood Organization (UNO) in Chicago,<sup>7</sup> told the OIG that he attended a September 1994 Democratic Party fundraiser in Chicago and was seated near the President at the dinner afterwards. In the course of an approximately 10-minute conversation about naturalization, Solis said he told President Clinton that there were approximately 5.5 million potential new citizens in the United States. Solis told the OIG that the President commented that there should be an effort to register these people to vote, to which Solis responded that they had to be naturalized before they could vote. Solis said that he told the President that research showed that newly naturalized citizens tended to vote at a higher rate than other citizens and also tended to vote for incumbents. Solis said President Clinton asked him to send information about this issue to Deputy Chief of Staff Harold Ickes, who was also attending the Chicago event.

Solis wrote a letter to the President on October 27, 1994, and enclosed a memorandum entitled "Naturalization Potential in 1995 and beyond." Ickes and William Daley were copied on the letter and attachment.<sup>8</sup> The

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the White House for issues involving the Department of Justice, and his interests in immigration issues were focused primarily on enforcement.

<sup>7</sup> UNO's relationship with INS, particularly its Chicago District, is discussed in our chapter "INS Partnerships with Community-Based Organizations."

<sup>8</sup> At the time, Daley was a Chicago lawyer and the brother of Chicago's mayor, Richard Daley. He became Secretary of Commerce on January 30, 1997.

memorandum began by noting that “[b]y 1996 5.5 million legal permanent residents in the United States will be eligible for U.S. Citizenship. This number represents the largest number of eligible permanent residents under the tenure of one Administration.” According to the memorandum, the majority of these residents lived in Chicago, New York City, Los Angeles, Miami, and Texas. The memorandum noted that naturalization was critical for empowering and stabilizing immigrant populations and that “statistics show that naturalized citizens are more apt to act in ways that generate positive growth in the economy, increase political activity, and support overall community development.” The memorandum continued, stating that “[o]ver 90% of naturalized citizens register to vote, a much higher rate than U.S. born citizens. Their record of increased civic participation is exemplary. The potential civic impact of these New Americans is great, but these people must become citizens before they become voters.”

The memorandum went on to suggest that many potential new citizens had failed to apply for citizenship because they had a “negative common perception” of INS as an intimidating law enforcement organization. The INS’ naturalization backlog also chilled potential applicants because, according to the memorandum, the waiting time between application and interview was up to one year. The memorandum concluded by recommending that INS form a national partnership with community organizations based on the “Chicago model” of the partnership between the INS Chicago District and UNO to improve INS’ naturalization processing times.

Failing to receive a response from the White House, Solis asked his sister, who worked on the First Lady’s staff at the time, about the status of his proposal but she was unable to provide any information. Subsequently, she helped arrange a meeting between Solis and Commissioner Meissner.

Solis and Larry McNeil, from the Southern California Industrial Areas Foundation/Active Citizenship Campaign (“IAF/ACC”)<sup>9</sup> met with Commissioner Meissner and several INS officials on February 16, 1995.

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<sup>9</sup> As noted in our chapter on CBOs, Industrial Areas Foundation is a national umbrella organization affiliated with hundreds of community-based, religious, and other organizations that assist immigrants or advocate on behalf of immigrants. In 1995, Southern California IAF, in conjunction with four other community organizations, formed the “Active Citizenship Campaign,” a permanent organization created to develop voter registration and voting strategies.

According to INS documents, the meeting was to discuss Solis' proposal to turn "Chicago's community based-naturalization strategy" into a nationwide program. Solis was unaware that Commissioner Meissner had already begun planning a new naturalization initiative to address INS' growing backlog that would involve partnerships with community-based organizations.

### **3. INS involves the Department's Justice Performance Review in CUSA**

As detailed in the overview chapter of this report, in the spring of 1995 INS was in the midst of planning a FY 1996 backlog reduction program (later called CUSA). As the CUSA program began to move forward, INS asked that its naturalization effort be given "lab status" through the Justice Performance Review (JPR), which was the Justice Department's NPR component.<sup>10</sup> Deputy Attorney General Jamie Gorelick granted the request on August 5, 1995. Although JPR was the Department's NPR component and NPR was run out of the White House, we found no evidence that this request for "lab status" by INS was intended to do anything more than raise the visibility of its naturalization program within the Department. Achieving JPR "lab status" did not mean that NPR (or the White House) would necessarily become involved in managing the "lab." The primary JPR-INS interaction was a JPR training session for INS Headquarters officials and staff from five CUSA Districts in December 1995.

### **4. The White House asks INS about its naturalization backlog**

In September 1995, as the CUSA program was about to begin, Ickes asked Kevin O'Keefe, a Deputy Assistant to the President, to look into INS' naturalization backlog and voter registration efforts at naturalization ceremonies.<sup>11</sup> O'Keefe telephoned Deputy Attorney General Gorelick, who in

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<sup>10</sup> Each department and agency had its own "reinvention" component tasked with coordinating reinvention efforts within that department. By letter to JPR head Robert Diegelman dated June 26, 1995, Commissioner Meissner informed him that INS would like to turn its naturalization reengineering efforts into a "reinvention laboratory."

<sup>11</sup> Notes dated September 18, 1995, obtained from Stephen Warnath, who worked on the Domestic Policy Council and was responsible for Department of Justice issues reflect that the White House was considering four questions involving immigration. The notes are presented in question and answer format. The fourth question is "Applications for citizenship have increased dramatically and waiting periods for processing them. What are

turn passed the inquiry on to Gerri Ratliff, one of her assistants. Ratliff worked with INS staff to prepare a memorandum on the issue that the Deputy Attorney General's office sent to O'Keefe on September 26, 1995.<sup>12</sup>

Ratliff's memorandum provided information on the INS backlog and the CUSA initiative and stated that naturalization applications were surging "higher with unprecedented increases" and that INS had requested NPR lab status for its naturalization program.<sup>13</sup> Noting that the goal of CUSA was to reduce naturalization processing to six months by the summer of 1996, the memorandum stated that INS was "vigorously working to simplify the naturalization application itself, streamline processing and reduce backlogs." Ratliff's memorandum also sought "Presidential support" of the CUSA program.

Attached to the memorandum was a page entitled "Talking Points Re Voter Registration," that was drafted by INS for Deputy Attorney General Gorelick.<sup>14</sup> The document discussed voter registration efforts at INS naturalization ceremonies in various districts and indicated that INS was

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you doing about it?" The response in the notes was "The INS is dedicating more resources and personnel to address this problem."

<sup>12</sup> Ratliff wrote in a September 20 draft of the memorandum, circulated to Gorelick and other Department of Justice and INS officials, that this was a "follow-up to the President's request about naturalization." When questioned by the OIG, she could not recall who told her that this request came from the President, but stated that she would only have used such language if she had been told specifically that the request had come from the President.

<sup>13</sup> Although the memorandum states that INS had requested NPR lab status, the memorandum is incorrect. INS requested and received JPR lab status, which was not the same as NPR status.

<sup>14</sup> Alice Smith, Special Assistant to Commissioner Meissner, coordinated INS' response to the request and her notes indicate that she was concerned about the propriety of including voter registration information in a citizenship memorandum addressed to the White House. Smith told the OIG that her concerns led her to discuss the issue with Commissioner Meissner who, she said, agreed with her concerns. INS decided that the memorandum should not include detailed information on voter registration but instead would focus on the naturalization backlog and the CUSA initiative. In its place, Smith drafted the "talking points" that she said were intended to allow Deputy Attorney General Gorelick to respond to questions from the White House. O'Keefe received these "talking points" along with the Ratliff memorandum.



working to replicate successful efforts in Los Angeles and San Diego “to facilitate voter registration.”

O’Keefe forwarded the Ratliff memorandum to Ickes together with his own cover memorandum that discussed voter registration efforts in INS districts and noted that the pace of naturalization will limit the number of new voters. When asked by the OIG why Ickes was interested in voter registration efforts at this time, O’Keefe said he believed that the White House’s interest was based on concerns raised by Congress, the Hispanic Caucus, and constituent groups about the naturalization backlog.

## **5. Solis sends a second letter to the White House about naturalization**

Solis sent a letter dated September 25, 1995, to the First Lady in which he again discussed his proposal for a pilot program involving UNO working with INS to increase processing of naturalization applications in Chicago.<sup>15</sup> In the letter, Solis noted that naturalizing new citizens at a record pace could give the “Democrats a strategic advantage at next year’s Convention” as Chicago’s naturalization applicants “represent thousands of potential voters.” Solis added that UNO’s sister organization, IAF/ACC in Los Angeles, was also prepared to assist INS in naturalizing citizens. Emanuel faxed Solis’ letter to Elizabeth Fine, then Counselor to Commissioner Meissner, and asked INS to review the document.

Alice Smith, who received a copy of Solis’ letter from Fine, said she thought the suggestions in the letter were improper and told Fine that she “did not want to touch that with a ten-foot pole.” Smith recommended that INS not respond to the letter and Fine agreed.<sup>16</sup>

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<sup>15</sup> This was the same proposal that Solis discussed with Commissioner Meissner and other INS officials in February 1995. Solis told the OIG that he wrote the First Lady out of frustration that INS was not including UNO in its big naturalization initiative.

<sup>16</sup> Fine told the OIG that she had been placed at INS by Panetta and Emanuel to serve as a White House liaison in an effort to improve communication between INS and the White House. She recalled no conversations with Emanuel about this document or citizenship in relation to voting.

## **6. Hispanic Caucus raises concerns about naturalization backlog**

As detailed in other chapters of this report, the CUSA program was slow in getting off the ground. New staff was not on board and new offices were not opened as planned by January 1996. A quarter of FY 1996 passed with little progress on reducing the naturalization backlog.

Shortly before a January 1996 meeting between members of the congressional Hispanic Caucus and Ickes, Ickes' staff asked Stephen Warnath from the Domestic Policy Council to prepare a memorandum addressing issues likely to be raised at the meeting. Warnath, who told the OIG that he knew in advance of the meeting that immigration issues were to be discussed, prepared a briefing memorandum for Ickes after speaking to staff at INS—he believed the person was Pamela Barry, then INS' Director of Congressional Relations—that outlined issues that likely would be raised by the Caucus to Ickes.<sup>17</sup> Warnath then met briefly with Ickes to prepare Ickes for the Caucus meeting. After describing the CUSA program, Warnath's memorandum noted that the “new phenomenon is growing voter registration of new citizens at their naturalization ceremony” and that new citizens “seem increasingly motivated to register to vote as a result of the present social and political climate.”

In the portion of the memorandum titled “Some Caucus Concerns,” Warnath wrote that “the Caucus's view is that faster naturalization means more potential Democratic voters in the next election—especially if it is supported with statements by the President that are more supportive of legal immigrants.” The memorandum alerted Ickes that Congressman Xavier Becerra from Los Angeles would likely complain that “the Administration's Citizenship U.S.A. program is inadequate to maximize this potential” because of delays in the program that have resulted in increased backlogs.

Congressman Becerra told the OIG that while he could not specifically recall what was discussed at the meeting, he was sure that he raised the concern shared by a number of his constituents—including members of IAF/ACC—about the pace of CUSA. Congressman Becerra noted that he had urged the Clinton Administration for years to take a more active role in reducing what he

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<sup>17</sup> Barry, who no longer works at INS, was one of the few INS employees who did not agree to be interviewed by the OIG in connection with this investigation.

regarded as an unconscionable naturalization backlog.<sup>18</sup> He told the OIG that he received a number of constituent complaints about the naturalization backlog in 1995 and 1996 when passage of Proposition 187 led many legal permanent residents in California to apply for citizenship.

## **7. Community leaders increase pressure for faster naturalization processing**

On January 21, 1996, Commissioner Meissner was among a government delegation that traveled to Texas on Air Force One to attend the funeral of former Congresswoman Barbara Jordan. As she was getting off the plane, she had a brief conversation with President Clinton during which he mentioned that he was pleased to see that naturalization was going well. Commissioner Meissner told the OIG that she thanked the President for his interest and told him that she hoped he would speak at a naturalization ceremony in the near future.<sup>19</sup>

Meanwhile, community leaders continued to complain about the slow pace of naturalization and these concerns reached the ears of officials at INS and the White House. On January 29, 1996, Carolyn Kazdin, an official at the Service Employee's International Union, forwarded a letter she had received from Father Miguel Vega and Fred Ross of IAF/ACC<sup>20</sup> in Los Angeles to Lee Ann Inadomi at the White House. Inadomi, in turn, forwarded the letter to Ickes' aide Jennifer O'Connor two days later. In their letter, Vega and Ross complained about the slow pace of the backlog reduction effort, and noted that if this pace continued in Los Angeles applicants whose paperwork had been submitted after December 1995 would not be naturalized in time to register to vote in the November 1996 election.

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<sup>18</sup> In his interview with the OIG, Congressman Becerra said that he has consistently urged President Clinton to stand up for the rights of immigrants. He said that he has told the President that he had the unique opportunity to be remembered as a hero to the immigrant community if he publicly stood up for immigrant's rights during a period in which many Republicans were making public statements that were viewed as anti-immigrant.

<sup>19</sup> Commissioner Meissner told the OIG that this brief exchange was her only direct conversation with President Clinton about naturalization during the CUSA program.

<sup>20</sup> Father Miguel Vega was the director of the Active Citizenship Campaign. Fred Ross was in charge of Valley Organized in Community Efforts (VOICE), one of the four organizations that had formed the Active Citizenship Campaign.

Commissioner Meissner met with Becerra and representatives of IAF/ACC affiliates from New York, Los Angeles, Chicago, and San Francisco including Solis, Vega, and McNeil on January 30, 1996. Four days before this meeting, Cardinal Roger Mahoney, the Archbishop of Los Angeles, wrote to White House Chief of Staff Panetta and, after alluding to the forthcoming meeting between Commissioner Meissner and IAF/ACC officials, asked for Panetta's assistance in reducing the naturalization backlog.<sup>21</sup> The day before the meeting, Sarah Taylor from INS Congressional Relations told the OIG that she spoke to a staff member from Congressman Howard Berman's office who reported that IAF/ACC was outraged about the naturalization backlog and was telling Administration officials (specifically, Emanuel, John Emerson, and HUD Secretary Henry Cisneros) that more naturalizations could mean more Democratic votes in the 1996 election.<sup>22</sup>

At the January 30 meeting between IAF/ACC affiliates and Commissioner Meissner, Father Vega repeated his complaints about the speed of naturalization processing. He pointedly stated that unless INS moved faster to naturalize new citizens, a number of applicants would not receive citizenship in time to vote in the November election. According to several people who attended the meeting, Commissioner Meissner responded that INS was there to deliver service, not votes.<sup>23</sup> The meeting then broke up.<sup>24</sup>

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<sup>21</sup> Cardinal Mahoney's letter discussed the human dimension of the naturalization backlog—the fact that waiting many months for a citizenship interview is extremely “difficult and disheartening” for applicants, all of whom have paid a fee for the processing of their applications.

<sup>22</sup> Congressman Berman, a Democrat from the Los Angeles area, had also received a number of complaints from IAF affiliates and other immigrant advocates about the naturalization backlog.

<sup>23</sup> Commissioner Meissner and several INS staff members interviewed by the OIG gave consistent accounts of the Commissioner's response to Vega's statement about the November 1996 election. In addition, Solis also recalled Commissioner Meissner's pointed retort to Vega's challenge. Solis said the Commissioner's reaction to this comment was in marked contrast to Rahm Emanuel's reaction to the same argument the following day.

<sup>24</sup> Around this same time, Lee Ann Inadomi had several conversations with Jennifer O'Connor about the naturalization backlog and the January 30, 1996, meeting between Commissioner Meissner and the IAF. Based on Inadomi's recollections and a February 29, 1996, memorandum she prepared for O'Connor on the subject, O'Connor's questions centered on whether Commissioner Meissner had “backed away” from the goals of CUSA.

The next day, Solis, McNeil, and several IAF representatives met with Emanuel at the White House. Solis told the OIG that Emanuel seemed very interested when the IAF representatives noted that the backlog of naturalization applicants represented potential votes for the Clinton-Gore campaign. Whether Emanuel's interest was real and reflected political acumen or merely politeness is a question that his refusal to be interviewed has made more difficult to answer.

Father Vega continued to press the case for a quicker backlog reduction. His letters to various officials, including Vice President Gore and Chief of Staff Panetta, and other advocacy efforts contained a similar refrain: the connection between INS efforts and electoral results. As Father Vega wrote in a memorandum to "Leaders of the Active Citizenship Campaign," a copy of which he sent to Clinton aide John Emerson on February 8, 1996, "Commissioner Miessner's [sic] inaction will prevent 300,000 Latinos from participating in the 1996 Presidential election. Failure to deliver on promises made by the INS could create the impression that the Clinton administration is Anti-Latino."

A letter from Father Vega to Vice President Gore dated February 14, 1996, raised similar issues. This letter also contained a copy of a column that appeared in the January 22, 1996, edition of the *Los Angeles Times* that mentioned Proposition 187, the naturalization backlog, and the fact that new citizens represented potential Democratic votes in the 1996 election. The column pointedly stated that by focusing on enforcement while allowing the naturalization backlog to grow, "the administration may be blowing a great chance to create a whole lot of pro-Clinton voters."

In an effort to respond to criticisms of the naturalization backlog, Panetta met with IAF/ACC leaders in Los Angeles in February 1996 at the suggestion of White House aide John Emerson. Panetta recalled during an OIG interview that a number of Hispanic groups had complained about the backlog and he thought this meeting an appropriate response to constituent concerns.

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Inadomi's memorandum detailed INS' newly-enhanced efforts to reduce the naturalization backlog and noted that INS advised against the Vice President meeting with IAF/ACC in response to a request for such a meeting made by Father Vega to the Vice President by letter dated February 14, 1996. If such a meeting were held, Inadomi suggested that INS personnel should be present.

During the same period, the IAF/ACC was in contact with HUD Secretary Cisneros. On February 15, 1996, Cisneros forwarded a memorandum to the President and Vice President that had been drafted by IAF/ACC. Cisneros' cover page to the memorandum indicates that he was responding to a question from the President about whether "qualified volunteers could be generated to assist the INS in naturalization ceremonies." Cisneros did not offer any specific recommendations, but simply passed on the IAF/ACC memorandum. The IAF/ACC memorandum said that IAF/ACC would produce volunteers to work with INS to screen naturalization applications. The IAF/ACC memorandum also noted that IAF/ACC would register 26,000 new citizens to vote, would identify and turn out 52,000 "occasional voters, conduct 5,000 house meetings, encourage vote by mail and create voter interest around issues of Affirmative Action and Minimum Wage." The memorandum further committed IAF/ACC to "influence 300,000 voters" and "turn out 96,000 voters for the 1996 presidential election."

## **8. NPR's involvement in CUSA**

### **a. The decision to involve NPR**

In a written response to an OIG question, the Vice President specifically states that it was his decision to involve NPR in the CUSA program. Elaine Kamarck, Policy Advisor to the Vice President, told the OIG that the Vice President personally asked her—as the person on the Vice President's staff to whom the Director of NPR reported—to have NPR examine the CUSA program. Kamarck said that the Vice President informed her that the President had met with a group of Hispanic leaders in January or February 1996 who complained about the INS backlog.<sup>25</sup> Subsequent to the Vice President's

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<sup>25</sup> According to Kamarck, the Vice President did not further identify the group of "Hispanic leaders."

We did not find evidence of a meeting between President Clinton and representatives of any CBO in January or February 1996. We also did not find evidence that the President met with Members of the Hispanic Caucus in January or February 1996. Meetings with members of the President's staff with "Hispanic leaders" may have been what the Vice President was referring to in his conversation with Kamarck. The evidence shows that Harold Ickes met with representatives of the congressional Hispanic Caucus in January 1996 and discussed the pace of INS naturalization (this meeting is discussed below) and that Chief of Staff Panetta met with Father Vega and others in California in February 1996. However, the evidence does not indicate that President Clinton attended these meetings.

request, Kamarck said that she attended a February 9, 1996, meeting with Commissioner Meissner in Deputy Chief of Staff Harold Ickes' office during which engaging NPR in the CUSA program was discussed.<sup>26</sup>

A member of Ickes' staff arranged with Commissioner Meissner's office for Meissner to attend the meeting in Ickes' office at the White House. Commissioner Meissner, informed in advance of the meeting that the topic for discussion would be the naturalization backlog, had her staff prepare a handout on the status of the CUSA initiative. She came alone to what was to be her first and only meeting with Ickes. As Commissioner Meissner later explained, her reluctance to bring any INS or DOJ staff with her stemmed from her desire to shield her staff from any possible discussions that might touch on politics given her belief that Ickes' role at the White House was primarily political in nature.<sup>27</sup> The other attendees were Ickes, Emanuel, Kamarck, and two White House staff members who Commissioner Meissner could not later identify.<sup>28</sup>

Commissioner Meissner told the OIG that the meeting lasted approximately 10 minutes. She said that Ickes told her that he had been asked by the President to "learn what INS is doing on naturalization." According to Commissioner Meissner, Ickes indicated that he knew INS had a huge caseload and asked for a status report on INS' naturalization efforts. When asked about

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Documentary evidence indicates that the President met with the congressional Hispanic Caucus on August 1, 1995.

<sup>26</sup> Kamarck told the OIG that she did not set up this meeting but was asked to attend by someone from Ickes' office. She said that she did not talk to Ickes about NPR's involvement in CUSA prior to the meeting.

<sup>27</sup> Commissioner Meissner told the OIG that while she developed the CUSA program without any thought to the fact that it would be implemented during an election year, she later recognized that the program could be perceived as an attempt to influence electoral politics. For this reason, she said that prior to attending the February 9 meeting in Ickes' office she wanted the White House to stay out of the program.

<sup>28</sup> Commissioner Meissner believed that one of the two other persons present was Doug Sosnik, an advisor to the President, but she could not be certain. Kamarck could not identify any other persons other than herself, Commissioner Meissner, Ickes, and perhaps Ickes' personal assistant. O'Keefe told the OIG that he may have been present at this meeting, saying that he remembers attending a meeting about naturalization with Ickes, Kamarck, and Emanuel, but he was not sure whether Commissioner Meissner was present. O'Keefe could recall few details of this meeting. In his written response to OIG inquiries, Vice President Gore stated that "he does not believe that he knew about [this] meeting."

the meeting, Kamarck told the OIG that she recalled discussing the “excessive complaining” by CBOs and Hispanic Members of Congress about INS’ lack of progress in reducing the naturalization backlog.

Commissioner Meissner said she responded to Ickes’ question by giving the group a short briefing in which she indicated that INS was behind schedule because its supplementary funding had only recently been approved and that the agency was still hiring staff and acquiring new facilities. She said that she also made the point that INS was moving as aggressively as it could to reduce the backlog and was confident that the CUSA initiative would reduce processing times. Commissioner Meissner said she expressed concern at this meeting that it was “dangerous” for the White House to get too involved in INS’ naturalization program because such involvement might be seen as electorally motivated. She said during the meeting Kamarck or Emanuel suggested that NPR become involved in the CUSA program and participants agreed that INS would work with Kamarck and NPR to determine what could be done. The ensuing discussion centered on the fact that NPR was familiar with streamlining practices that worked in other government agencies and might be able to help cut through the bureaucracy and bring staff on board more quickly.

Commissioner Meissner told the OIG that although she had been concerned prior to the meeting about the White House becoming involved in the CUSA program because of how that involvement might be perceived, she said that when she learned that the involvement would be INS working with Kamarck and NPR, she viewed this as pursuing “good government” practices.

#### **b. Kamarck and NPR officials meet with INS**

On February 13, 1996, four days after the meeting in Ickes’ office, Kamarck, Director of NPR Robert Stone,<sup>29</sup> and NPR staff member Jean Logan met at INS with EAC for Programs Aleinikoff, CUSA Project Director Rosenberg, Special Assistant to the Commissioner Alice Smith, and Acting Deputy Assistant Commissioner for Benefits Thomas Cook.

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<sup>29</sup> Stone was a career civil servant who ran NPR’s day-to-day operations and reported directly to Kamarck. According to some witnesses interviewed by the OIG, Kamarck and Stone were NPR’s hierarchy, as it was envisioned as a “loose” or “flat” organization with no bureaucracy. NPR policy allowed employees to create titles for themselves. Stone’s self-given title at NPR was “Energizer-in-Chief.”



Notes from the meeting indicate that at the beginning of the session Kamarck told the group that the President was very interested in INS reducing its naturalization backlog. Although Kamarck told the OIG that she did not remember stating at the meeting that the President was interested in INS reducing its backlog, she recalled that at the time “everyone” was under political pressure because of INS’ lengthy naturalization backlogs, especially from Hispanic Members of Congress. Rosenberg and Smith told the OIG that they recalled Kamarck conveying concern about the delays in CUSA’s implementation.<sup>30</sup> Rosenberg told the OIG that he inferred from Kamarck’s remarks that she feared that the Clinton Administration would have “egg on its face” if CUSA failed to make significant progress to reduce the backlog.

INS officials, according to notes from the meeting, generally explained INS’ plan to reduce naturalization processing time to six months by the end of September 1996 and estimated that 1.2 million applications would be completed by that time. The group spent the remainder of the meeting discussing difficulties INS was encountering and possible ways in which NPR could assist INS in implementing CUSA. For example, in response to INS officials’ description of a problem in New York obtaining sites large enough for some ceremonies, NPR representatives suggested that they contact the General Services Administration (GSA) about potential facilities. In addition, the INS officials discussed difficulties INS was having in hiring temporary personnel quickly enough. Since a number of federal agencies were furloughing employees or undergoing reductions in their staffing levels, NPR proposed working through the Federal Executive Boards<sup>31</sup> (FEBs) in the Key City Districts to identify federal employees who could be hired immediately by INS (because required background checks would have been completed already) to conduct adjudications.

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<sup>30</sup> Notes from the meeting reflect that in this initial discussion about INS’ backlog, Smith indicated that INS would be able to “speed up” its processing of naturalization applications. The notes further indicate that in response, EAC Aleinikoff advised that INS could be attacked for “rubber stamping” applications and that INS had to avoid anything that had the appearance of “ease” or “expedite.”

<sup>31</sup> FEBs are composed of representatives of all federal agencies operating in a locality and exist in 28 major cities throughout the United States. Created in 1961, they offer federal agencies a vehicle to communicate with other federal agencies in the field. NPR worked extensively with and through the FEBs, which are managed but not funded through the Office of Personnel Management in Washington, D.C.

At the end of the meeting, the group decided that Rosenberg would draft what EAC Aleinikoff referred to as a “wish list” of areas where NPR could assist INS. Rosenberg’s memorandum, sent to Kamarck on February 22, 1996, described how NPR could assist INS in hiring additional adjudicators and clerks as well as experienced staff such as community relations specialists and special events planners, acquiring additional space for ceremonies, obtaining permission from GSA to use buildings on nights and weekends, and determining the best vehicle for expediting the procurement process.

**c. Kamarck assigns NPR staff member Douglas Farbrother to work with INS on CUSA**

About this time, Kamarck, after consulting with Stone, decided to assign NPR staff member Douglas Farbrother to work full-time on the CUSA project. Farbrother believed he would need assistance and he recruited Laurie Lyons, his officemate.<sup>32</sup>

Farbrother told the OIG that in the first meeting that he had with Kamarck about CUSA, she told him the background of why NPR was getting involved. According to Farbrother, Kamarck said that the President had learned from someone that there were large numbers of immigrants who had applied for citizenship in Southern California and the President was interested in naturalization because he thought this group would mostly vote for him. Farbrother said that Kamarck told him the President asked the Vice President to have NPR “take a look” at the citizenship backlog.

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<sup>32</sup> Douglas Farbrother was a career Department of Defense (DOD) employee who went to work for NPR in April 1993 after approaching Stone, with whom he had worked for several years at DOD, about a position at NPR. Farbrother’s self-given title at NPR was “The Raging Inexorable Thunderlizard of Reinvention.” Such “superhuman” titles, according to Farbrother, were encouraged at a management training seminar for “reinventors” that he attended.

Lyons was a more recent arrival at NPR, having been detailed from the Office of Government Ethics in June 1994 after meeting Farbrother at a management training seminar and being recruited by him. Lyons chose the title of “The Vanguardian Angel of Reinvention.” Both Farbrother and Lyons had business cards with these titles.

By their own accounts, the two NPR employees were not familiar with naturalization processing or CUSA prior to their involvement on behalf of NPR.

According to Farbrother, Kamarck then told him, in a joking way, to concentrate his efforts on Southern California and that she may have said they did not know how the Asians in San Francisco would vote and the Cubans in Miami were Republicans. Farbrother told the OIG that he replied that he could not concentrate solely on Southern California, and that he planned to visit all of the CUSA Key Cities and do the program the right way—and Kamarck agreed.<sup>33</sup>

**d. The Vice President meets with CBO representatives, INS officials, and NPR officials in Los Angeles**

Kamarck arranged for the Vice President to meet with approximately 25 representatives from community-based organizations in Los Angeles about INS' naturalization backlogs on March 8, 1996. INS Headquarters officials and managers from INS' Los Angeles District met with the Vice President in advance of this meeting to provide him a synopsis of INS' backlog reduction efforts. Kamarck and Farbrother also traveled to Los Angeles for the CBO meeting.

On the morning of March 8, Farbrother, Kamarck, Rosenberg, and EAC Aleinikoff joined Terrance O'Reilly (Los Angeles CUSA coordinator) and Donald Neufeld (DADDE Los Angeles) for a tour of the California Service Center in Laguna Niguel, the Los Angeles naturalization office located there, and then the INS district office in downtown Los Angeles. At the district office, Farbrother, Kamarck, Rosenberg, Aleinikoff, and other district officials met with representatives from several Los Angeles-based CBOs and sat in on a few naturalization interviews.

The group (Kamarck, Farbrother, Aleinikoff, Rosenberg, O'Reilly, and Neufeld as well as Los Angeles District Director Richard Rogers) then went to a hotel in downtown Los Angeles to brief the Vice President prior to his meeting later that day with representatives from the IAF/ACC. The INS officials met with the Vice President, Kamarck, and Farbrother and discussed INS' naturalization efforts in general and their specific efforts in Los Angeles. They also discussed issues likely to arise at the Vice President's meeting, such as IAF/ACC's request to increase the number of outreach interviews in Los

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<sup>33</sup> As we discuss later in this chapter, Kamarck denied making any statements about the President's supposed interest in pushing INS' naturalization initiative as a way of increasing potential Democratic votes in Southern California.

Angeles and more participation by CBOs in the naturalization process. Rosenberg told the OIG that he recalled the Vice President asking tough questions and putting INS on notice that he expected them to “perform according to our commitments, to the best of our ability.”

Neufeld recalled that the Vice President was very clear to the INS group that he would not be receptive to ideas he expected to hear from Father Vega such as CBOs doing naturalization interviews. Neufeld told the OIG that he thought that during the briefing the Vice President was looking for information to respond to Father Vega rather than calling INS to task. He also recalled that the Vice President appeared to agree with INS on the issues discussed at the briefing, including the need to maintain testing standards.

Following this briefing, the INS officials were excused by Kamarck who, according to Rosenberg, told them that the Vice President was about to participate in what could be perceived as a political meeting with the CBO representatives and therefore this was “off limits” to them. According to Farbrother, after the INS officials left the room Kamarck briefed the Vice President about who was going to be at the meeting and suggested that after listening to the group’s complaints, the Vice President should inform them that NPR would be trying to help INS address the backlog. The Vice President, Kamarck, and Farbrother then met with 20-24 representatives from the IAF/ACC and other community groups.

According to participants in the meeting, several attendees made brief pleas to the Vice President about how long they or someone else had to wait for citizenship and the hardships this caused. In his written response to OIG inquiries, Vice President Gore recalled that the “group of community leaders” he met with “were unhappy with lengthy delays in the INS’ processing of naturalization applications and presented compelling arguments regarding the agency’s failures.”<sup>34</sup>

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<sup>34</sup> In his written response to OIG questions, Vice President Gore stated that while he accepted the OIG’s representation that NPR became involved with CUSA in February 1996, “his recollection is that following the Los Angeles meeting in March, he asked NPR to use its reinvention principles to help solve the INS’ backlog problem, and that the decision to do so was his.” The Vice President did not make clear why, if this were his recollection, Farbrother would have attended the March meeting in the absence of ongoing NPR involvement. The evidence indicates that the Vice-President’s stated recollection is incorrect in that this Los Angeles meeting occurred one month *after* the February 9, 1996,

At the close of the meeting, the Vice President pointed to Kamarck and Farbrother and explained how NPR was working to improve service for all federal agencies and would do what it could for INS. A member of a community group not affiliated with IAF/ACC who attended the meeting told the OIG that he thought the session had been useful because it showed that the White House was aware that INS was not meeting the demand for naturalization in Los Angeles.

After the meeting, Kamarck met with several INS officials who had waited in the hotel lobby and told them that the Vice President had basically taken the INS position on the issues. She said that while the Vice President had told the meeting attendees that it was inappropriate to waive naturalization interviews, he told the group that maybe INS could do more outreach and said he would ask INS to think about that.

Rosenberg told the OIG that Kamarck went on to tell the INS officials that they should be pleased that the Vice President had strongly defended the agency and indicated that INS was serious about working closely with NPR. Rosenberg said she assured the INS officials that the Vice President would not disparage INS' work after hearing from various constituents.<sup>35</sup>

#### **e. NPR tours Key City Districts**

While they were still in California the week of March 11, 1996, Rosenberg, Farbrother, and Stone traveled to San Francisco to meet with community groups and tour the new CUSA sites in Oakland and San Jose. ADDA David Still told Farbrother and Stone that what he really needed was the additional staffing that had been promised by INS Headquarters but was not yet on board. Farbrother told the District management that NPR could “cut the red tape” and “clear bureaucratic hurdles.”<sup>36</sup>

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meeting in Ickes' office and well after Kamarck and NPR had begun their interaction with INS.

<sup>35</sup> According to Rosenberg, Kamarck also said that the Vice President had precluded the CBO representatives from recommending that CBOs conduct naturalization interviews by raising the issue himself and indicating that he thought that this would be inappropriate.

<sup>36</sup> Farbrother told the OIG that based upon his experience at the DOD and with other reinvention projects for NPR, he entered the CUSA project predisposed to thinking that the implementation delays were attributable to a slow, bureaucratic headquarters “interfering

Within a day or two of returning to Washington from California, Farbrother called Rosenberg and said that he planned to go to the other CUSA sites with Lyons beginning with New York that same week. Rosenberg said that he was immediately concerned about Farbrother traveling to these sites without anyone from INS and called Aleinikoff. According to Deputy Commissioner Sale, because of concerns that she and Meissner had about NPR representatives going to INS field offices alone, Rosenberg was sent to “shadow” Farbrother in order to ensure that the Field understood that INS, not NPR, was running the CUSA program.

Rosenberg, Farbrother, and Lyons traveled to New York City on Thursday, March 14 and first met with District Naturalization Section Chief Rose Chapman, ADDE Richard Berryman, and Garden City Site Manager Linda Pritchett at the District Office. According to participants in these discussions, the NPR officials proposed securing additional office space to conduct naturalization interviews, keeping INS facilities open after regular business hours, and securing detailees from other federal agencies in New York. At Farbrother’s request, Karen Adler, GSA Regional Director, and Sue Kossin, the New York representative of the FEB, participated in these discussions. One participant recalled that Farbrother appeared unfamiliar with naturalization issues peculiar to New York such as security concerns that prevented the Brooklyn INS office from operating beyond normal business hours.

After the meeting, Rosenberg, Farbrother, Lyons, and Pritchett visited other INS sites in an attempt to find more space to accommodate interviews. Lyons stayed in New York for an additional day and toured the Garden City CUSA site with Pritchett. Lyons made several additional trips to the New York District during the next two months, including a 1-week visit to Garden City during which she attended the INS training for temporary adjudicators. As a result of their interactions with her, several New York managers told the OIG that they became concerned about her motivations. One manager recalled Lyons saying that “we need to get this done in time for the election.” A

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with local management.” According to Farbrother, his visit to the Los Angeles District had reinforced his and Stone’s long-held beliefs about the need for decentralized management. Farbrother said his belief was that the only way INS could reduce its naturalization backlog by the end of September 1996 would be to loosen central controls, thereby giving field managers the ability to hire and manage effectively, was confirmed after his visit to the San Francisco District.

supervisor recalled that, during a March 1996 meeting in Section Chief Chapman's office, Lyons asked "if the applicants would be naturalized by October," which this manager understood to be a reference to the registration deadline for the November 1996 election. A third manager recalled that when she had explained to Lyons that fingerprint checks could not be conducted for applicants after they naturalized and had questioned Lyons about the rush, Lyons had responded, "How are they going to vote? . . . They have to be citizens to vote."<sup>37</sup>

In between their trips to CUSA sites in the Field, Farbrother and Lyons attended meetings at INS Headquarters, including one on hiring. An INS personnel official who attended this latter meeting characterized Farbrother as "persistent and outspoken" and focused on speeding up the hiring of temporary employees and in getting detailees from other agencies to assist INS in processing naturalization applications.<sup>38</sup>

During this same March time frame, Ickes asked O'Keefe for additional information on voter registration at naturalization ceremonies. O'Keefe responded in a memorandum dated March 13, 1996, reporting on his review "of the process of voter registration in naturalization ceremonies" and noting that in a "mass ceremony" planned in Chicago, "the registration attempt" would be "coordinated with Skinny Sheehan [sic], our best field organizer. Sheehan is trying to see how a voter registration could be conducted when a crowd in the thousands are sworn in." At the time the memorandum was written, James "Skinny" Sheahan was the Director of Special Events for the City of Chicago. Sheahan had been a longtime Democratic field organizer in Chicago.

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<sup>37</sup> During interviews with the OIG, Lyons denied making such statements or ever suggesting that the project needed to be completed in time for the election.

<sup>38</sup> These detailees never materialized because each one would have required a separate Memorandum of Understanding between INS and the detailing agency specifying the terms of the detail. Also, as discussed herein, relations between INS management and Farbrother soon began to deteriorate rapidly.

**f. Farbrother proposes that INS delegate broad authority to field managers**

In addition to deciding after his return from California the week of March 11 to tour the other Key City Districts, Farbrother had also decided to approach INS Headquarters management about his ideas on delegating more authority to field managers in order to expedite the implementation of CUSA. Anticipating INS resistance to his proposal to get more authority into the hands of field managers, Farbrother told Kamarck that he would need some “high level” support. Kamarck said that she would ask the Vice President to call Commissioner Meissner to this end. Before going to New York on March 14 and after hearing from Kamarck that the Vice President had called her, Farbrother scheduled a meeting with Commissioner Meissner for Friday, March 15.

According to Commissioner Meissner, Vice President Gore did call her about the CUSA program—her only CUSA-related direct contact with the Vice President. The Vice President told her that NPR had a lot of success in helping other agencies cut through “barriers” in personnel and hiring processes and he hoped INS could take advantage of the expertise that NPR could bring to the table. Commissioner Meissner characterized the call as brief and pleasant in nature. In his written response to OIG questions, the Vice President said that he did not “recall discussions with officials of the INS or Department of Justice about CUSA or INS efforts to reduce the backlog during FY 1996” other than a briefing by INS officials prior to his March 1996 meeting with community leaders.

According to Farbrother, in his March 15 meeting with the Commissioner he told her that he was pursuing the idea of detailing employees to INS from other federal agencies, but felt that INS needed to delegate authority to Field managers to accelerate the hiring of temporary employees. During the meeting, Farbrother said he remembered calling the INS’ fingerprint system “ridiculously loose,” a characterization based on his observation that INS allowed applicants to use outside vendors to take the fingerprints and the fact that INS presumed after 60 days that an applicant did not have a criminal record if a rap sheet was not in the file.<sup>39</sup> He said

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<sup>39</sup> At the same time that Farbrother noted to the OIG that it was common knowledge that the FBI could not process fingerprint cards in 60 days, he also indicated that given INS’ huge processing backlogs at the time any FBI processing delay likely did not matter. As we



Commissioner Meissner responded that she knew there were problems in this area and that INS was working to correct them. Farbrother said she asked him to contact INS Deputy Commissioner Chris Sale to discuss the delegation issue.

Commissioner Meissner's recollection of the meeting centered on the delegation issue. She recalled that Farbrother came into her office in his usual attire—jeans and no socks—and handed her a 2-paragraph memorandum to sign that gave INS District Directors in the Key City Districts the authority to “waive INS rules and regulations within the confines of the law” as long as they reported any such waivers. Commissioner Meissner recalled that her immediate, unspoken reaction was “Oh, come on . . . what a way to end a week,” (the meeting was held on a Friday). She said she simply referred Farbrother to Sale to discuss the issue.<sup>40</sup>

The following Monday, March 18, Farbrother sent Sale a draft of the delegation memorandum that he proposed INS Headquarters send to district directors in the five CUSA cities. It noted that the district directors were “expected to use this authority to speed up the adjudication process for applicants who qualified for citizenship, while ensuring that statutorily ineligible applicants were not naturalized,” and held them accountable for their “judgment and results.” The district directors were also directed to “recruit and hire temporary employees locally as needed to expedite the naturalization of qualified aliens.” Attached to the draft were examples of similar delegation memoranda from other agencies. The facsimile cover page from Farbrother to Sale accompanying the document read:

When I met with Doris Friday, I told her that to get the results the Vice President wants, I need to get plenty of authority into the hands of the District Director in the big cities. I simply don't have time to deal with your entire multi-layered organization. She deferred to you as the internal manager. I need

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discussed in our chapter on criminal history checking procedures, this mistaken assumption was shared by many officials at INS.

<sup>40</sup> Commissioner Meissner told the OIG that, in hindsight, she should have probably reacted much more strongly to Farbrother's proposal and responded with words to the effect of “Are you kidding? What in the world are you talking about?” However, she did not take this approach in her meeting with Farbrother and instead referred the matter to Deputy Commissioner Sale.

you or Doris to sign something like the attached. Please let me know soon.

When Sale received the draft memorandum, she was preparing to fly to Texas for the remainder of the week. On Tuesday, March 19, a member of her staff circulated Farbrother's draft memorandum to several senior INS officials for comment. Sale told the OIG that while she thought that Farbrother's proposal was "ridiculous," she believed that he deserved a thorough response. Sale told the OIG that she called Farbrother and told him that she had circulated his memorandum for review and that she planned to address it, but not until she was back in the office on Friday, March 22.

Meanwhile, Farbrother and Lyons continued their tour of the CUSA Key City Districts. On March 19, 1996, accompanied by Rosenberg and Alice Smith, they met in Chicago with District Director Brian Perryman, ADDE Shirley Roberts, Chicago CUSA coordinator Jorge Eisermann, and SDAO Aphrodite Loutas. The meeting focused on staffing and hiring, and included a discussion about the need for additional funding to cover six large naturalization ceremonies planned in Chicago. Several Chicago managers told the OIG that the NPR employees appeared very interested in the naturalization process, and two managers specifically recalled questions as to the importance of the A-file to the interview.<sup>41</sup>

The following day, Wednesday, March 20, Farbrother and Lyons visited CUSA personnel in Miami. This visit was brief and, in fact, none of the Miami managers interviewed by the OIG could recall the reason for the visit or the specifics of any conversations with NPR staff.

#### **g. Deputy Attorney General Gorelick meets with INS and NPR**

As noted earlier, Farbrother and Sale spoke briefly by telephone on Tuesday, March 19 when Sale told him that she had circulated his memorandum to her staff for review. Farbrother noted in an e-mail to

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<sup>41</sup> A New York manager recalled that Farbrother asked similar questions during his March 14 visit to the district and the manager was troubled by Rosenberg's response that INS was considering shortening the requisite wait time for A-files. These concerns were reinforced when INS did, in fact, shorten the waiting period, as discussed in the A-Files section of this report.

Kamarck much later that evening that Sale “seems to be making progress with the delegation memo. Let’s give her another day or two. I think she is trying to get the HQ staff used to the idea.” Sale told the OIG, however, that she was vehemently opposed to what she considered Farbrother’s radical delegation proposal and had no intention of signing Farbrother’s memorandum. Sale said she also was committed to preventing Commissioner Meissner from signing any such document.

On Wednesday, March 20, Kamarck received a letter from the IAF/ACC in Los Angeles expressing their continued dissatisfaction with the progress of CUSA and threatening to again picket the Los Angeles District Office. When Kamarck informed Farbrother of this development, he said he would “press Sales [sic] and Meissner Thursday morning.”

The following morning, Thursday, March 21, Kamarck sent Farbrother an e-mail in which she said: “THE PRESIDENT IS SICK OF THIS AND WANTS ACTION. IF NOTHING MOVES TODAY WE’LL HAVE TO TAKE SOME PRETTY DRASTIC MEASURES. [Emphasis in original.]” When interviewed by the OIG, Kamarck said that she did not speak directly to the President about this issue, although she was fairly certain that the Vice President had told her in March that the President had received additional complaints about the pace of CUSA. Kamarck explained that the “drastic measures” she mentioned in her e-mail meant calling Commissioner Meissner and “yelling at her.”<sup>42</sup>

Farbrother called Sale in Texas that Thursday. During this call, Sale recalled Farbrother as being loud, brusque, and impatient as he pressed her about the delegation letter. Sale told Farbrother that she did not intend to have this conversation at that time, and then she heard Kamarck’s voice on the phone calling her by her first name. Surprised, Sale told Kamarck that she

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<sup>42</sup> Addressing issues of the extent to which Kamarck’s e-mail reflected the President’s actual intentions or preferences, Vice President Gore’s written response to OIG questions noted that he “does not remember speaking to the President about naturalization in March 1996, nor having a conversation with Kamarck in March 1996 following a conversation with the President, but it would not have been unusual for him to report to the President about the Los Angeles session, and how strongly the Vice President himself felt about the extent of the problems at INS. The Vice President does not recall the President’s specific views or intentions on this issue.”

intended to get back to Farbrother the next day, after which she said she had a brief conversation which was “polite, but I basically hung up on them.”

Sale then called INS Chief of Staff Michael Becraft and suggested that he contact DAG Gorelick to inform her of the difficult conversation she just had with Kamarck. Sale then caught her plane for Washington. Paging her as soon as she had landed, Becraft told her that he had canceled all her appointments for the following day in order to prepare for a meeting with Gorelick and Farbrother that appears to have been previously arranged by Kamarck.

Farbrother wrote Kamarck an e-mail much later that evening, after his telephone conversation with Sale: “I favor drastic measures. I am meeting with Jamie G[orelick] and Chris S[ale] on Friday at 1:30. If I don’t get what we need, I will call for heavy artillery.”

On Friday, March 22, 1996, Deputy Attorney General Gorelick, accompanied by her aide Seth Waxman (now Solicitor General), presided over a meeting attended by Farbrother, Lyons, Sale, Rosenberg, Becraft, INS Director of Human Resources Carol Hall, and members of INS’ budget staff. During the meeting, Farbrother made the case for the broad delegation he had proposed to Sale, arguing that INS had highly paid and experienced district directors and that INS administrative rules and centralized hiring methods were creating delays. Concerned about the extent of the proposed delegation, Sale responded that it might make sense to delegate some authority to field managers (to do hiring, for example), but that delegation needed to be examined on an issue-by-issue basis. A debate ensued between Farbrother and Sale on the merits of centralized authority in management.

By all accounts, the meeting did not go smoothly. Uniformly, the Department of Justice/INS attendees saw Farbrother as arrogant. Gorelick told the OIG that she was “shocked” by Farbrother’s attitude during a meeting at which she hoped participants would work through a difficult issue. Farbrother, in her view, came in and tried to tell the Department of Justice what to do in a tone she characterized as “peremptory.” In any event, Gorelick asked Farbrother (and, by implication, Lyons) to leave the meeting so she could discuss these issues with Department of Justice and INS personnel.<sup>43</sup>

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<sup>43</sup> Gorelick told the OIG that she was so offended by Farbrother’s rude behavior and attitude that she did something she had never done before or since that day—ask someone to

#### **h. INS responds to the meeting with the Deputy Attorney General**

After Farbrother and Lyons had departed, Gorelick turned to the INS staff and noted that Farbrother was on point in one area—that the hiring of extra field staff was moving very slowly and that something had to be done about that. Gorelick believed that Farbrother’s proposal to delegate authority to waive any and all rules was completely inappropriate; however, she said that it was important for INS to attempt to meet their announced goals as she believed the naturalization backlog was unconscionable. She told the OIG that she decided INS should develop its own methods to accelerate the hiring process by doing the “right thing” and addressing the problems without waiving every rule. In addition, she tasked INS with developing ways to streamline the naturalization process.

Afterwards, the INS staff met in Deputy Commissioner Sale’s conference room. There, members of the budget and management staff were assigned the task by Sale of immediately drafting a memorandum to Field managers delegating hiring authority. Field Operations was told to contact managers in the Key City Districts to compile by the following Monday (March 25) a list of requests for additional funds for hiring. The Office of Programs was tasked with compiling a list of streamlining ideas that could be quickly implemented to speed up adjudications in the Field.

INS staff at Headquarters and in the five Key City Districts worked over the weekend of March 23-24 to develop these plans. On Tuesday, March 26, 1996, Sale issued a memorandum delegating full authority to District Directors in the five Key City Districts “to utilize the most appropriate, expedient methods to recruit and hire temporary employees” for CUSA. This memorandum also notified the District Directors that they would receive funds equal to a 20 percent increase in their naturalization staff to be applied toward reaching the goals of CUSA. Finally, Sale’s memorandum gave them discretionary authority to transfer allocated funds as needed to accomplish the goals and objectives of CUSA.<sup>44</sup>

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leave a meeting. Other Department of Justice and INS attendees characterized this incident as Gorelick’s showing Farbrother the door or kicking him out of the meeting.

<sup>44</sup> At the same time INS was trying to react quickly to Deputy Attorney General Gorelick’s concerns, it released a report on the CUSA program dated March 22, 1996, that

The March 26 memorandum set out various recruiting and hiring options, including the use of employees from other agencies and reemploying (on a temporary basis) retired federal workers. Ultimately, however, these options were not utilized. The Districts either recruited locally or hired from the OPM Registers of Eligible Applicants and did not eliminate or waive any required steps.

The March 26 memorandum did, however, accelerate two aspects of the hiring process for new CUSA employees—the background check and drug testing procedures. As discussed in the overview chapter of this report, after this memorandum was issued INS brought staff on board using “pre-appointment waivers” while their full background check was ongoing. This meant that the applicant had met certain prerequisites, such as a fingerprint and credit check, and that the applicant was allowed to begin working conditionally until the full background check was completed.<sup>45</sup> No background check requirements were waived or eliminated. The Deputy Commissioner’s March 26 memorandum also streamlined the drug-testing procedure for new CUSA hires but did not eliminate the requirement that all prospective INS employees take and pass a drug-screening test. Under the new procedure, job applicants received collection kits and custody documents at the time of their employment

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was sent along with a summary cover memorandum to the Attorney General and Deputy Attorney General on March 25. This report, which was also distributed to various White House officials including Vice President Gore, Chief of Staff Panetta, Domestic Policy Advisor Rasco, and Emanuel, detailed the opening of new off-site interview locations, noted that INS was working closely with community groups, noted that completions were increasing, and noted that INS was rapidly hiring new employees. The thrust of the memorandum was that INS was moving quickly to implement CUSA and was on target to meet its announced goals.

<sup>45</sup> As it had with other components, the Department had, for a number of years, delegated authority to INS to make use of pre-appointment waivers. These waivers, regularly used by other Department components, including U.S. Attorney’s Offices, allow new employees to enter on duty following an initial security review, but before the completion of the full OPM investigation—which requires an employee interview with an OPM investigator and OPM field interviews with past employers, neighbors, and acquaintances. The initial security review requires favorable results from: (1) an FBI fingerprint check; (2) a check of FBI investigative files; (3) a credit check; (4) a check of past employment, going back five years; (5) a check of at least three personal references; and (6) OPM notification to initiate the required background investigation.

interview and INS sent them directly to a designated collection site. This procedure eliminated the need for applicants to report to a collection site later.

Finally, in the wake of the meeting with Deputy Commissioner Sale, INS' Office of Programs worked to develop "streamlining" ideas that would speed adjudications in the Field. This process entailed substantial "back and forth" between Programs and Field Operations, with Field Operations claiming that the proposals made by Programs went too far in the name of streamlining. The result of this effort was a memorandum entitled "Naturalization Process Changes," signed on May 1, 1996, by Associate Commissioner Crocetti, and sent to INS regional directors, district directors, officers-in-charge, and ADDEs.<sup>46</sup>

The May 1 memorandum suggested several changes in the naturalization process, some of which—like mass testing and providing applicants with a definitive list of documents to bring to an interview in order to reduce continuances—might have helped reduce the backlog with little risk to the quality of adjudications. Other suggestions in the memorandum appeared to be a further erosion of adjudication standards, particularly INS' decision to reduce the required wait time for A-files from 6 months to 30 days.<sup>47</sup> Another proposal, never implemented, was to exempt applicants from the required

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<sup>46</sup> This memorandum, sometimes referred to as the "Best Practices Memo," was subject to substantial controversy following congressional and media scrutiny of the CUSA program. It is not surprising, then, that we found no one at INS who wanted to take responsibility for this document. Crocetti told the OIG that he had signed it without reviewing it as completely as he should. In addition, the OIG received a number of different stories concerning the evolution of this document. However, the evidence (as discussed more fully in our chapter on interviews and adjudications) indicates that the memorandum was written by various Programs employees and compiled in its final form by Acting Naturalization Branch Chief Chang. A copy of this memorandum is included as Appendix B to this report.

<sup>47</sup> Implementation of this change is discussed more fully in the A-files chapter of this report. While a number of districts were already using temporary files to an alarming degree in the adjudication process, this change sent a signal to district offices that INS Headquarters believed that obtaining an applicant's A-file was less important than completing the naturalization process. While we cannot adequately measure the degree to which this policy change increased the use of temporary files (we found that by this time many of the Key City Districts were already using temporary files to a disturbing degree), the change led at least the Miami District to conduct an increased number of adjudications using temporary files—a practice that impaired the quality of adjudications.

English and civics tests based on “academic completion records,” such as a high school diploma.

The May 1 memorandum also mentioned a plan to redesign the N-400 application form to include “data collection for voter registration.”<sup>48</sup> Although this plan never reached fruition, it reflects attention by INS to the voter registration issue.<sup>49</sup>

#### **i. INS parts company with NPR**

The relationship between the NPR and INS quickly deteriorated following the March 22 meeting in Deputy Attorney General Gorelick’s office. Farbrother, for his part, felt that he had become *persona non grata* at INS. His trips to field offices soon ceased and his contact with INS was limited. Lyons, however, made subsequent trips to New York.<sup>50</sup> Farbrother made one final trip to the West Coast during the week of March 25 and continued his unsuccessful efforts to encourage other agencies to detail employees to INS.

Farbrother, however, was as yet undaunted in his reinvention campaign. Shortly before leaving for the West Coast on this trip, he expressed his dissatisfaction with Deputy Commissioner Sale’s March 26 memorandum in an e-mail to Vice President Gore, Kamarck, Stone, and Lyons:

If this were the early days of reinvention, I’d recommend INS for a hammer award. But it is the waning months of the first term and I still don’t think the city directors have enough

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<sup>48</sup> Again, no one at INS wanted to take responsibility for including this proposal and we were unable to determine precisely how this suggestion made its way into the memorandum. We address the issue of INS’ involvement in voter registration issues in the CBO chapter of this report.

<sup>49</sup> We note that inclusion of this suggestion does not necessarily mean that the recommendation to redesign the N-400 to collect voter registration data was a result of NPR or White House interest in CUSA. Documents show that INS was considering addressing aspects of the voter registration issue in 1995.

<sup>50</sup> Among other things, Lyons attended a one-week training session for temporary adjudicators in early May during which she caused substantial consternation when she indicated to a number of officers that they should have been hired at a higher grade and paid higher salaries. New York managers complained to the Office of Field Operations and Terrance O’Reilly from Headquarters called Lyons and asked her to leave the Garden City site.



freedom to do the job. The more they have to contend with headquarters, the fewer citizens they'll produce.

On March 28, Farbrother was particularly rueful in an e-mail to the Vice President (with copies to Kamarck, Stone, and Lyons):

I had bet Elaine that INS headquarters would not give their managers in Los Angeles, San Francisco, Chicago, New York, and Miami enough authority, in general, to make me confident they could produce a million new citizens before election day. Unfortunately, I was right.

Farbrother went on to complain that INS' failure to delegate sufficient authority to field managers had worked to limit the pace of naturalizations. He concluded the e-mail by writing:

I could go on. But the point is that, unless we blast INS headquarters loose from their grip on the front-line managers, we are going to have way too many people still waiting for citizenship in November.

I can't make Doris Meissner delegate broad authority to her field managers. Can you?

That evening, the Vice President responded via e-mail: "We'll explore it. Thanks."<sup>51</sup>

The following day, March 29, 1996, Farbrother sent another e-mail that would later prove to be controversial. In this missive, sent to Kamarck and Stone, he wrote:

To blunt any charge that we are running a citizenship/Clinton voter mill, I am working with the FBI to find a way to tighten up the ridiculously loose fingerprint check system, i.e. INS doesn't know who's [sic] prints they have, the prints are often too smudged for the FBI to read, and INS simply assumes that everything is okay if they hear nothing back from

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<sup>51</sup> In his written response to OIG inquiries, the Vice President said he "does not believe that he did anything in regard to [this] e-mail other than respond as noted," and reiterated that he "did not view the purpose of the reinvention effort as producing one million new citizens before the November 1996 election." The Vice President offered no other comments or explanations about this exchange.

the FBI (which is 90% of the time). A breakthrough here will look good to the anti-alien lobby.

Rather than having me appear to be working against Doris, put me to work for her. Move Chris Sales [sic] into another job (like Deputy Director for Programs to at [sic] NPR) and make me the INS Deputy Commissioner. From there, I could do more, faster.

We found no record that Kamarck or Stone replied to this message.<sup>52</sup>

Soon after the March 22 meeting in her office, DAG Gorelick said she contacted Kamarck and told her that she never wanted to see Farbrother again given how “insufferably” he had behaved. Noting that INS intended to speed up its hiring and the pace of naturalizations, Gorelick told the OIG that she told Kamarck to “back off.” According to Gorelick, Kamarck responded by saying that NPR staff had been working on CUSA for some time and had been frustrated in its dealings with INS on a project that they saw as very important. Gorelick said she responded that INS reported to her and that if Kamarck had problems with INS she should communicate directly with her.<sup>53</sup>

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<sup>52</sup> Farbrother told the OIG that NPR and government “reinvention” were frequently criticized by foes of the Clinton Administration. He said his statement about the “citizenship/Clinton voter mill” was pointing out that this project was also ripe for criticism. He viewed Sale as a typical bureaucrat and the prime obstacle to his delegation proposal, telling the OIG that her views about management were the antithesis of his. According to Farbrother, Sale believed in centralization of authority while he believed in empowering field managers; their combative relationship led him to suggest her replacement. He believed himself to be a good candidate and noted that he had always wanted to run an agency. For their part, both Kamarck and Stone recalled receiving the message and discussing the INS fingerprint problems with Farbrother. Both also said that they understood Farbrother’s reference to a “citizenship/Clinton voter mill” as his statement that their involvement in CUSA could be perceived by some as controversial and grounded in partisan politics. As to the suggestions about replacing Deputy Commissioner Sale with Farbrother, Stone said he thought it to be a bold, solid suggestion but that Farbrother had been “immodest” to propose it; Kamarck said that she ignored it.

<sup>53</sup> Kamarck recalled this conversation and noted that Gorelick told her that Farbrother had angered a number of people at INS and that his involvement in the CUSA program was not productive. According to Kamarck, Farbrother unsuccessfully advocated trying to “push” Gorelick harder even after the March 22 meeting. Gorelick told the OIG that she did not receive any telephone calls from the Vice President or anyone else arguing Farbrother’s

Exasperated by this turn of events, Farbrother on his own initiative drafted an “options memo” in late March ostensibly to be presented by Vice President Gore to President Clinton as a means of getting INS to adopt his reinvention ideas. Farbrother prepared several drafts of this memorandum, and transmitted one version to Kamarck, Stone, and Lyons via e-mail on April 2, 1996. In it, Farbrother offered two options: “To get anywhere near a million applicants naturalized before the summer is out, we are clearly going to force some serious ‘reinvention’ on INS.” Farbrother wrote that “Doris Meissner warns that if we are too aggressive at removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter mill and risk having Congress stop us.” Later in the memorandum, he wrote that “we can reduce—but not eliminate—the risk of controversy over our motives” by putting “one of our proven NPR reinventors into a position of authority in INS—Deputy Commissioner, for example,” and simultaneously “appoint proven reinventors to other agencies that we are pushing to dramatically improve customer service this summer.”<sup>54</sup> The other option was “to avoid any controversy over speeding up naturalization by letting the standard bureaucracy do the best it can.”

In another draft of this “options memo,” the version that Lyons transmitted to Rosenberg, Farbrother suggested several options to speed naturalization, including (1) lowering the standards for citizenship; (2) broad delegation of authority to local managers; (3) detailing INS Headquarters employees to the Field to process citizenship applications; (4) hiring lawyers from a temporary placement agency to process naturalization applications; and (5) making more money available to INS. This memorandum caused great consternation at INS Headquarters because, among other things, it put on paper the suggestion that adjudicative standards should be lowered. Rosenberg told the OIG that he saw the “options memo” as a potentially explosive document and took it immediately to EAC Aleinikoff who, infuriated, made a number of notations on the document pointing out errors.

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case. In addition, we found no evidence of any communications between White House officials and Attorney General Reno touching on NPR’s involvement in the CUSA program.

<sup>54</sup> Farbrother’s memorandum cites several agencies that NPR was “pushing,” including the Passport Office, the Social Security Administration, and the Environmental Protection Agency. He wrote that “Our push on INS could be shown to be just part of our broader public commitment to make government work better. Putting proven reinventors into key jobs in lots of agencies will improve our chance of success overall.”

Kamarck and Farbrother both told the OIG that these “options memos” were never given to either the Vice President or the President. According to Farbrother, he had not prepared them for this purpose, but said he had used the technique of drafting a memorandum from the Vice President to the President to get Commissioner Meissner’s attention. When questioned about the substance of the memoranda, Farbrother told the OIG that he had not been advocating that citizenship standards be lowered. Farbrother said that he had been concerned because he had been told by INS managers in the Field that as part of CUSA INS was “reeducating” veteran adjudicators by urging them to stop continuing cases in which an applicant had an arrest unless they were sure that the documentary evidence they requested would preclude the applicant for naturalization. Farbrother said he wanted to get these concerns “in front” of INS management and his vehicle for doing this was the “options memo” faxed by Lyons to Rosenberg.

Kamarck alluded to Farbrother’s efforts over the previous several weeks with INS in a memorandum, dated April 4, 1996, that she prepared for the Vice President to update him on the progress of the CUSA program in anticipation of one of his weekly lunch meetings with President Clinton.<sup>55</sup> In this memorandum, Kamarck reviewed the “set of extensive bureaucratic obstacles” that Farbrother had found during his tour of INS offices, noted the changes that INS had made “[a]t our suggestion,” but faulted the “pure bureaucratic inertia” that was still slowing INS efforts. Then, in the only italicized part of the memo, Kamarck proclaimed: *“Only by working 7 days a week and longer hours can we hope to make a significant enough dent in the backlog that it will show up when it matters.”* Kamarck concluded the memorandum by noting that Farbrother had “come up with a list of more radical ideas to use but these ideas are not without their political downsides.”

Kamarck told the OIG that she recalled preparing this memorandum, but said she did not recall discussing these issues with the Vice President either before or after his lunch meeting. In his written response to OIG questions about the memorandum, Vice President Gore stated that he “does not know what Ms. Kamarck intended by the phrase ‘when it matters,’ but he did

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<sup>55</sup> According to Kamarck, staff prepared memoranda for the Vice President’s weekly luncheons with President Clinton to update him on various topics that were expected to come up at the meeting. Kamarck’s memorandum appears to be an attachment to the full document prepared for that week’s lunch meeting.

understand that this was an important issue to Latinos and that, if the Administration was going to receive recognition for resolving it, the Administration needed to act expeditiously. The Vice President does not recall discussing the naturalization issue with Ms. Kamarck before meeting with the President.”

By early April 1996, NPR withdrew from active involvement in the CUSA program. According to Kamarck, NPR pulled out for several reasons. First, she became convinced that INS was making progress on hiring temporary employees and reducing the backlog (EAC Aleinikoff and other INS staff members presented her with figures verifying this in early to mid-April). Kamarck also recalled that she had recognized both the limits to which NPR could push an agency like INS and the extent to which Farbrother had alienated officials in INS and the Department of Justice.<sup>56</sup>

The decision to withdraw NPR may also have been affected by the positive responses that the White House was receiving from one of INS’ most vocal critics. On April 24, 1996, Father Vega wrote Kamarck, thanking her for her efforts in helping to “recreate” INS and noting that CUSA’s progress could mean “as many as 229,000 new citizens voting in Los Angeles this November,” and that nationwide, “some 800,000 will become citizens in time for the election.” Kamarck passed Vega’s letter on to the Vice President with a cover note that said “[t]hought you might like to see this response from Father Vega. He seems very pleased with you.”<sup>57</sup>

By mid-May, even Lyons—to whose activities Kamarck said she never gave much thought—had ceased her interaction with INS. As noted earlier, Lyons had essentially been evicted from the Garden City CUSA site following her participation in a training class for temporary adjudicators.

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<sup>56</sup> In his written response to OIG questions, Vice President Gore said he “believe[d] that officials of NPR must have decided to end that office’s assistance to the INS after attaining as many improvements as it could, but he does not specifically know who made the decision. He does not recall participating in any discussions about whether NPR’s involvement should end.”

<sup>57</sup> In his written response to OIG questions, Vice President Gore stated that he “does not recall seeing this letter before it was provided to him by [OIG], but the cover note from Ms. Kamarck suggests that he probably did see it at some earlier point. He does not recall the comments of Father Vega or other community leaders generating discussions concerning the impact of improving the INS’ procedures on the November 1996 election.”

With the withdrawal of NPR, White House interaction with the CUSA program ceased for the most part.<sup>58</sup> INS invited Vice President Gore to speak at the New York CUSA kickoff ceremony on May 7, 1996, but the Vice President declined this invitation citing other commitments. However, his staff prepared brief remarks, which INS officials read at this ceremony. INS officials invited the Vice President to several other naturalization ceremonies during the summer of 1996, but the Vice President did not speak at any such ceremonies during CUSA. The only high-level White House officials who spoke at naturalization ceremonies during CUSA were Domestic Policy Advisor Rasco and HUD Secretary Cisneros. Rasco spoke, along with Commissioner Meissner, at a special children's ceremony in Boston where INS naturalized a small group of minors. Cisneros spoke at an August 6, 1996, ceremony at Chicago's Soldier Field.<sup>59</sup>

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<sup>58</sup> On August 22, 1996, President Clinton issued an Executive Order directing all agencies to assist INS in naturalizing qualified applicants who applied for citizenship. This order was the brainchild of DPC staff member Stephen Warnath and INS EAC Robert Bach and, according to Warnath, was designed to take some of the "sting" out of the recently enacted welfare reform bill by demonstrating that the Administration placed a high priority on naturalization. By this time, however, (as detailed elsewhere in this report) INS had realized that it had substantial problems with its fingerprint procedures. As a result, INS was forced to extend its presumptive period for fingerprint checks and to cancel or scale back a number of planned ceremonies. Additionally, the CUSA program came under substantial media and congressional scrutiny and INS was responding to congressional requests for information. Therefore, this Executive Order had little impact on CUSA.

<sup>59</sup> In response to the OIG's request for documents pertaining to the CUSA program, we obtained a letter dated September 19, 1996, from Maria Hsia to Elaine Kamarck. Hsia, who represented the Hsi Lai Buddhist Temple, was recently convicted for illegally funneling campaign contributions to the 1996 Clinton-Gore campaign through Buddhist nuns from the Hsi Lai Temple.

The letter from Hsia asks Kamarck for her assistance in arranging the Temple's participation in INS' outreach program so it could teach citizenship classes, "perform test and interview reviews, and be designated as a test-administration site." The letter notes that Hsia had discussed this issue with the Vice President, who suggested she write to Kamarck. The letter goes on to say that Hsia had communicated with the INS district office in Los Angeles, but was told that INS in Washington had frozen the outreach program until the following year; Hsia, however, sought entry into the program "as soon as possible."

Kamarck passed this letter to Farbrother at NPR. On October 3, 1996, Lyons transmitted it by facsimile to Rosenberg at INS with a notation from Farbrother that said, "Please have the right people get in touch with this guy. Thanks." Our investigation has

### **C. Effects of White House/NPR involvement**

We found that involvement of the White House and NPR in CUSA had little direct negative impact on the program. That said, apart from questions about its motivations (which are discussed in the next section of this chapter), the White House's and NPR's influence on CUSA did not serve the program well. NPR officials' focus on accelerating the pace of naturalizations—while giving all too little thought to the quality of adjudications even though they recognized obvious weaknesses—imposed additional stress upon a process that, even without their intervention, was substantially flawed.

The fundamental flaws in INS' naturalization process, which the CUSA initiative exacerbated, have been discussed in preceding chapters and neither the White House nor NPR can or should be blamed for their existence. In evaluating NPR's effect on CUSA, we found that it had little direct negative impact on the program. In large part, this is because INS resisted much of the NPR's efforts to make major changes in how they conducted business. Further, Farbrother's primary recommendation (delegate broad authority over naturalization processing to Field managers) was properly rejected by INS management as too risky, and his brash manner and dogged insistence on pushing this idea alienated key officials at INS and the Department of Justice. In addition, some of Farbrother's other ideas, like engineering his own appointment as Deputy Commissioner of INS, were rejected by Kamarck.

A few of NPR's suggestions were implemented in part. While Farbrother's suggestion to decentralize hiring authority may have increased the pace at which temporary employees were hired, INS had already decided to use such employees as temporary adjudicators and had planned their abbreviated training course. Consequently, the fault for the poor quality adjudications that flowed from the way in which the new staff was deployed cannot fairly be laid at the feet of NPR. As previously discussed, INS also decided, following the March 22, 1996, meeting in Deputy Attorney General Gorelick's office, to expedite background clearances for these temporary employees. We did not

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revealed that INS did nothing in response to this overture; indeed, on the copy provided by Rosenberg to the OIG, he had written, "No response made."

By this point, Congress had already conducted several hearings on the CUSA program, criticizing INS' outreach program in general and its outside testing program in particular. Rosenberg told the OIG that these reasons, plus the fact that he wanted no further contact with Farbrother, factored into this decision to take no action on Farbrother's request.

find, however, that INS compromised any security measures with respect to these background checks. As stated previously, we discuss this issue in detail in the overview chapter of this report.

We also note that NPR's "proven reinventors" (to borrow Farbrother's phraseology) missed a prime opportunity to improve the CUSA program and, therefore, the quality of INS' naturalization process as a whole. Farbrother and Lyons realized that, to use Farbrother's words, INS' fingerprint process was "ridiculously flawed," and that the testing system and other aspects of the INS naturalization process were equally deficient. Had NPR spent more time studying INS processes and less time pressing for a dramatic influx of new personnel, it is possible that NPR could have suggested some responsible changes that would have allowed INS to thoughtfully make progress on its backlog. Instead, NPR staff simply plunged into the issue with little knowledge about the system they sought to redesign.<sup>60</sup> They also spent almost no time trying to improve the process. Rather, their efforts were primarily focused on increasing the number of bodies available to perform adjudications which they believed would speed the process. We believe that the White House and NPR attention to and involvement with CUSA did add pressure on INS officials to increase production and make good on INS' previously announced ambitious goals. However, it is possible that INS would have persevered on the same production schedule even without pressure from the White House and NPR. Consequently, there is no way for us to quantify the impact of this added pressure on INS' management errors.

## **D. White House motivations**

### **1. Introduction**

One of the most pointed criticisms of the CUSA program made by Members of Congress was that the White House created or influenced CUSA in order to increase the number of Democratic voters. The White House strongly denied this allegation, arguing that its involvement in CUSA was motivated by a desire to assist INS to deliver on promises it made to

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<sup>60</sup> When we asked Kamarck why she did not work through JPR—NPR's Justice Department component—she responded, in apparent criticism of JPR, that "the quality of departmental reinvention efforts varied widely."



individuals who were entitled to better services.<sup>61</sup> As part of this investigation, we identified events and communications that pertain to the allegation, and we set them forth here because of the seriousness of the charge and the interest in the question. Given our finding that the involvement of the White House had little direct negative impact on CUSA, the propriety of the motivations behind this involvement is a political question beyond the scope of the OIG's inquiry.

## **2. Analysis of evidence concerning motivations**

We start with the question for which we found the clearest answer: was the CUSA program conceived and implemented as a means of increasing the turnout of Democratic voters in 1996? We found no evidence of any such motivation on the part of INS' leadership. As discussed in detail in the overview chapter of this report, Commissioner Meissner had a long-standing, personal interest in naturalization and she attempted to focus INS on this issue immediately upon her installation as Commissioner. White House involvement in CUSA in the early days of the program was quite limited, somewhat to the dismay of Commissioner Meissner, who sought with very little success to try to get the White House interested in the program.

By early 1996, however, the White House began to take greater interest in the pace of naturalizations, spurred by complaints from the congressional Hispanic Caucus and from CBO representatives like Father Vega. This interest became institutionalized in February 1996 when, during a meeting in Ickes' office, Kamarck or Emanuel urged Commissioner Meissner to involve the NPR in the CUSA program. Thereafter, for less than two months, NPR staff members Farbrother and Lyons brought considerable pressure to bear on INS

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<sup>61</sup> In the wake of congressional and media criticism of CUSA, the Clinton administration defended its role in the program. Then Chief of Staff Panetta, Kamarck, and Farbrother all gave interviews in which they denied that the White House's involvement was motivated by partisan politics. Kamarck told reporters that NPR's involvement in the program was a legitimate response to constituent complaints about the size of the naturalization backlog. She also said that "it would have been pretty stupid and pretty risky for our own politics" to use expedited naturalizations as an electoral strategy in the 1996 election. Panetta, in an interview on ABC Television's *Nightline* program, said that the Administration's particular attention to the CUSA program was an appropriate and legitimate response to complaints from immigrant advocates. Panetta agreed during this same interview, however, that in light of recent benefit-cutting measures generally identified with Republicans, it was likely that a number of newly naturalized citizens would vote for the Democratic Party in the 1996 election.

officials as they targeted procedures or practices that they deemed impediments to an accelerated pace of naturalization. The NPR staff, in turn, appear to have been strongly encouraged in their efforts by Kamarck, whose periodic intervention demonstrated the extent of the White House's concern that significant progress be made.

To what extent, if any, did this heightened White House involvement reflect a desire to increase the Democratic turnout at the 1996 general election? Certainly the possibility that White House involvement in CUSA could be perceived as improper occurred to many people, including Commissioner Meissner, who recalled having voiced her concerns to Emanuel and to both Attorney General Reno and Deputy Attorney General Gorelick.<sup>62</sup>

We found several pieces of evidence showing that the White House was aware of and interested in the connection between naturalization, voting, and the 1996 election. The evidence includes:

- The September 26, 1995, memorandum from Deputy Attorney General Gorelick, drafted by Gerri Ratliff, to Kevin O'Keefe at the White House. The memorandum discussed INS naturalization initiatives and included a page entitled "Talking Points Re Voter Registration" that discussed INS' limited role in facilitating voter registration at naturalization ceremonies. The memorandum noted that due to INS' limited resources, it would have to rely on partnerships with other organizations to expand voter registration opportunities.
- A 1-page cover letter dated September 28, 1995, from O'Keefe to Ickes forwarding Ratliff's memorandum. The cover letter included two paragraphs on voter registration, including the statement that "the pace of naturalization will limit the number of new voters."
- Statements that INS employees in New York said Lyons made specifically referencing the November 1996 election.
- Farbrother's March 28, 1996, e-mail to the Vice President noting that INS was not going to be able to "produce a million new citizens before election day."

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<sup>62</sup> Neither Attorney General Reno nor Deputy Attorney General Gorelick specifically recalled this conversation, although Reno told the OIG that Meissner mentioned at some point that she felt some pressure from the White House to move the CUSA program along.

- Kamarck’s April 4, 1996, memorandum to the Vice President stating that “[o]nly by working 7 days a week and longer hours can we hope to make a significant enough dent in the backlog that it will show up when it matters.”

We also found evidence that more specifically refers to, or could be interpreted as referring to, the potential benefit to the Democratic Party of naturalizing a million new citizens in FY 1996.<sup>63</sup>

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<sup>63</sup> During the course of our investigation, we reviewed a document that explicitly referred to a goal of naturalizing people in time for the November election. This document was neither written by nor sent to the White House; nonetheless, we discuss it here because of congressional concern that it evidenced CUSA’s improper motives.

The document in question was an April 3, 1996, letter written by Don Riding, the Officer-in-Charge (OIC) of the Fresno Sub-office of the San Francisco District, to Edward Roach, president of the local INS employees’ union, warning of the possibility that INS would need union members to work overtime. Riding wrote, “as you must be aware, the INS has been told to naturalize everyone who filed Form N-400 before April 1, 1996, in time for them to vote in the November election.”

This letter was particularly troubling because it was not written by an outsider, but rather by an INS manager presumably in a position to speak to the motives of a program he was charged with implementing. As part of our investigation, we interviewed Riding and other San Francisco District officials concerning the basis of Riding’s assertion in the letter that the goal of CUSA was to ensure that applicants were naturalized in time to vote in the November 1996 election.

In his interview with the OIG, Riding explained that he had used particular language in the letter to “get [the] attention” of the union president. Riding wanted to notify the union that the Fresno Office was going to be expected to keep the naturalization program open six days per week until they met their CUSA goal, and that Fresno INS might have to order some employees to work overtime. Before writing the letter, he had notified a union shop steward of the possible need to compel overtime. In response to that earlier, less formal notice, Riding said that Roach had told him, “we might decide not to work overtime.” Therefore, Riding—who perceived the union and newly naturalized citizens to be pro-Democrat—believed that offering a comment about getting people naturalized in time for the election would appeal to the union and ensure its cooperation.

Riding also told the OIG that he personally believed CUSA had been motivated in part by the Clinton Administration’s desire to have applicants naturalized in time to vote in November 1996. He believed the administration had therefore put pressure on INS to meet its CUSA deadlines. Riding emphasized that this was his personal opinion, based on his own “speculation,” and he did not feel he had any “evidence to prove it.” Riding insisted that neither his District Director, Thomas Schiltgen, nor the Assistant District Director for

- The March 13, 1996, O’Keefe memorandum to Ickes discussing that Skinny Sheahan, “our best field organizer,” was trying to figure out how to handle voter registration at a large naturalization ceremony in Chicago.
- A conversation between Farbrother and Kamarck in which, according to Farbrother, Kamarck spoke of the President’s desire to involve NPR because of his belief that the large number of people in California waiting for naturalization represented likely votes for him in the 1996 election.
- The memorandum written for Ickes by Stephen Warnath of the DPC expressing the Hispanic Caucus’ prospective view that “faster naturalization means more potential Democratic voters in the next election.”

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Adjudications, David Still, had ever suggested to him the importance of naturalizing applicants in order to meet a voter registration deadline.

When asked about the basis for his belief that CUSA was politically motivated, Riding said that INS Headquarters was adamant about a specific deadline—September 30, 1996—and was adamant that the applicants be sworn in, not just approved, by this date. Riding inferred from this that the goal was tied to a voter registration deadline. He cited a statistics-keeping change made by INS Headquarters that he believed was new to CUSA and that also emphasized “swearing in” applicants and not just “approving” applications: a “granted” case would not be considered a “completion” in INS statistics until the oath had actually been administered. Before that time, INS had emphasized the date of adjudication, not the date of the swearing-in.

As we discussed in our chapter on interviews and adjudications, since at least 1993 INS only considered an “approved” naturalization application to be “completed” when swearing-in and all closing actions had been finished. During CUSA, INS Headquarters had reiterated this reporting methodology to the Field and directed that “completions” were to be counted only after “swearing-in” and not upon “approval.” Riding likely perceived this reiteration as a change in procedures because San Francisco District had been one of several large districts that by fiscal year 1996 was still not reporting completions in this fashion. Furthermore, INS Headquarters waited until October 1, 1996, after CUSA, to insist that San Francisco and other districts switch to the newer reporting method.

Thus, the evidence shows that the assertion in Riding’s April 3, 1996, letter to the union president reflected his personal opinions based on his own, in part mistaken, inferences about the administration of CUSA.

- The letters written by Daniel Solis and Father Vega to various White House officials that included comments about how enhanced naturalization efforts could increase the number of potential Democratic voters in the 1996 election.<sup>64</sup>

### **3. Explanations of White House officials**

The officials involved in these incidents who agreed to be interviewed (or, in the Vice President’s case, to provide information) denied that this evidence indicates that they were trying to run a Democratic “voter mill” as alleged by Members of Congress. In general, they asserted that interest in the election was driven by the immigrant groups’ own desire—which had been forcefully expressed to the White House—to vote in an election they deemed of overriding importance.

When interviewed by the OIG, O’Keefe—the White House staff member whom Ickes asked in September 1995 to look into the naturalization backlog—said that the notion that accelerated naturalization processing would create potential Democratic voters did not come up in any discussions to which he had been a party. While he could not affirmatively state that this issue had not crossed the minds of anyone at the White House, O’Keefe said he did not recall anyone verbalizing the idea to him. O’Keefe also suggested that no one could predict how newly naturalized citizens would vote, and he said that any attempt to do so was “foolish.”

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<sup>64</sup> With respect to the Solis letters, we note that the officials to whom the letters were addressed (President Clinton, the First Lady, and Ickes) were not interviewed by the OIG. Emanuel, who reviewed the October 1995 Solis letter and faxed it to INS, similarly refused the OIG’s request for an interview. O’Keefe told the OIG that he did not recall seeing the letters from Solis. O’Keefe added, however, that he personally knew Solis, usually traveled with the President when he went to Chicago, and likely was present at the 1994 event mentioned in Solis’ October 1994 letter. The Vice President said in his written response that he “does not believe he was aware of [the letters] until they were submitted to him” by the OIG. The Vice President also noted that he “did not recall the comments of Father Vega or other community leaders as generating discussions concerning the impact of improving the INS procedures on the November 1996 election.” Given this state of the evidence, we are unable to ascertain the effect of these letters on White House motivations; however, as discussed above, these letters explicitly laid out the partisan political benefits that an accelerated naturalization program could provide.

O’Keefe noted that the fact that officials at the White House (like Ickes) were concerned about voter registration did not necessarily mean that they saw all naturalization applicants as likely supporters. O’Keefe asserted that a number of state and local officials and congressional leaders had complained about the naturalization backlog, and the White House had simply responded to those complaints. O’Keefe also said that reduction of the naturalization backlog was not a major issue for him because he dealt with a variety of other issues.<sup>65</sup>

With respect to the Ratliff memorandum discussing INS’ voter registration initiatives that he forwarded to Ickes, O’Keefe said that he could provide no further information about why Ickes wanted the information. He said that Ickes asked him for the information and O’Keefe provided it.

The OIG questioned O’Keefe about the March 13, 1996, memorandum to Ickes that reported on voter registration at naturalization ceremonies and “Skinny” Sheahan’s voter registration efforts at naturalization ceremonies. O’Keefe denied that this memorandum referred to any effort to use the naturalization process for partisan ends. O’Keefe had, he explained, used the word “our” because he (O’Keefe) was a longtime Chicago Democrat and Sheahan had been a Democratic field organizer in Chicago. However, O’Keefe told the OIG that he did not contact Sheahan about this ceremony, but instead received this information from someone else, possibly Solis. Sheahan confirmed this account in an interview with the OIG, saying that while he was aware that INS had conducted large ceremonies in 1996, he did not recall whether his office had assisted in coordinating naturalization ceremonies in connection with Chicago’s Citizenship Assistance Council in 1996. In addition, he told the OIG that he had done no work for the Clinton campaign in 1996 and did not recall any discussions with O’Keefe about voter registration.

Farbrother was asked by the OIG about the connection between the citizenship process and the election. After recounting Kamarck’s statement about the President’s interest in naturalization, Farbrother said he believed the motivation was unimportant. Farbrother explained that he thought that most of the President’s motivations were “political” in the sense that good governmental service would be popular with voters. His goal, he said, was not

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<sup>65</sup> Inadomi told the OIG that O’Keefe made repeated inquiries to her about the naturalization backlog. Inadomi recalled receiving requests for information or action on this subject primarily from O’Keefe and O’Connor, both of whom reported to Ickes.

to create potential new Democratic voters, but to get INS to deliver better service to their customers, i.e., naturalization applicants. Asked why his March 28, 1996, e-mail to Kamarck, Stone, Lyons, and the Vice President had alluded to the goal of producing “a million new citizens before election day,”<sup>66</sup> Farbrother said that he believed that applicants should be naturalized in time for the election, as he thought that the main reason people want to be citizens is because they want to vote.<sup>67</sup> He asserted that his goal and NPR’s goal was to serve the public, and the only way for INS to serve the people caught in the backlog was to naturalize them in time for the election. Farbrother told the OIG that because he believed the Vice President shared this goal of delivering customer service, he thought that his reference to the upcoming election would lead the Vice President to increase the pressure on INS.

When interviewed by the OIG, Kamarck denied that she was involved in or aware of any attempts to use CUSA to create potential Clinton-Gore voters. She also denied telling Farbrother that the President’s interest in the CUSA program was driven by a desire to create potential Democratic voters,<sup>68</sup> though she recalled telling him that the White House had received a number of complaints about CUSA from various groups and officials, most of whom were Hispanic. She said she specifically told Farbrother to visit all the key CUSA cities, especially Miami, because she was aware that, in an election year, NPR’s activities might be attacked as politically motivated.

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<sup>66</sup> We note here that Farbrother did not come up with the figure of “one million new citizens” on his own. INS had projected that it would naturalize 1.2 million people during CUSA after comparing pending backlog figures and projected receipts with historical denial rates.

<sup>67</sup> Farbrother said he might have articulated his concern to INS staff in the Field that the CUSA program needed to be accomplished by the election. He said that he spoke this way to “everybody.”

<sup>68</sup> The OIG sought to determine whether anyone else could confirm Farbrother’s account of his conversation with Kamarck. Farbrother said it was possible that Stone was at the meeting, or that he might have shared the conversation with Stone and Lyons. Farbrother also said that he believed he told David Barrom, the Administrator of the GSA, about Kamarck’s comments in order to spur GSA’s assistance to CUSA. Barrom told the OIG that while he recalled talking to Farbrother, he did not recall any such comment. Similarly, neither Stone nor Lyons recalled such comments.

Kamarck said she was asked by the Vice President to “look into” the CUSA program following a meeting between Hispanic leaders and the President in early 1996 during which complaints were voiced about the pace of the CUSA program. Kamarck said the possibility that progress on CUSA could create more potential Democratic voters had not come up during her discussions with the Vice President or anyone else at the White House, Department of Justice, or INS, though she was aware that Father Vega and other advocates had urged that applicants be naturalized before the election.

When asked whether Father Vega’s letters generated any discussions about the 1996 election or increasing the number of potential Democratic voters, Kamarck said that she was not a party to any such discussions. According to Kamarck, she had viewed NPR’s involvement as important because she wanted to demonstrate that NPR could make real progress on CUSA and to silence the complaints of immigrant advocates. Her goal, she noted, was “political” only in the sense that she wanted to demonstrate that the Administration could respond to these complaints.

When questioned about Farbrother’s March 28 e-mail, Kamarck said only that the reference to creating a million new citizens before the election could “look bad” to people unfamiliar with Farbrother’s manner. While conceding that it had occurred to her that CUSA’s goal of creating more than a million new citizens by the end of the fiscal year might aid the Democrats in the 1996 campaign, she did not think that INS could accomplish this goal and said she never discussed these thoughts with Farbrother or anyone else.

Asked about her statement in her April 4, 1996, memorandum that “[o]nly by working 7 days a week and longer hours can we hope to make a significant enough dent in the backlog that it will show up when it matters,” Kamarck said the phrase meant that the Administration needed to show that it was making demonstrable progress toward reducing the naturalization backlog to silence critics.

When asked whether she agreed that the phrase “when it matters” could be interpreted to indicate a need to naturalize people in time for the election, Kamarck told the OIG that she understood how some people could construe it that way, but said that was not what she intended. She emphasized that it would be highly ineffective to enter into a fall campaign based on the premise that the Administration had re-invented government when INS was “one big mess.”



When asked how the Vice President was supposed to understand her reference to “when it matters,” she replied that she did not discuss the phraseology of her memorandum with the Vice President either before or after his lunch meeting with President Clinton; however, she assumed he understood her intended meaning because he, too, had heard the numerous complaints about the slow pace of INS’ naturalization efforts from immigrant advocates.

In his written response to the OIG, Vice President Gore stated that he did not recall “discussing the possibility that reinventing the INS’ naturalization process might result in increasing the number of people who would be eligible to vote in the November 1996 election, or the number of people who might be likely to vote for the Clinton-Gore ticket or other Democratic candidates, and that was not how he viewed the purpose of the reinvention effort. While others may have seen a connection between INS reform and the right to vote in the 1996 election, the Vice President’s concern was to fix a government agency that, in his view, was broken.”

As to Kamarck’s use of the phrase “when it matters,” Vice President Gore’s written response stated that he “does not know what Ms. Kamarck intended by the phrase ‘when it matters,’ but he did understand that this was an important issue to Latinos and that, if the Administration was going to receive recognition for resolving it, the Administration needed to act expeditiously. The Vice President does not recall discussing the naturalization issue with Ms. Kamarck before meeting with the President.”

#### **4. Conclusion**

In the end, we are unable to make any conclusive determination whether White House officials sought to use the CUSA program as a means of increasing Democratic turnout in the 1996 general election. It is certainly true that the prospect of an impending general election was present in the thinking of a number of White House officials who pressed INS to accelerate its naturalization efforts. But that in itself is not necessarily indicative of any improper partisan motivation. The right to vote is, of course, a significant benefit of citizenship, and the opportunity to vote in a presidential election may, for many potential citizens, be the most important reason to seek citizenship.

The importance of the impending election to any government official concerned with the naturalization process was magnified in 1995 and 1996 by the efforts of CBO leaders like Father Vega and Solis, who seized upon the

November 1996 election as a lever to enhance their drive for accelerated naturalizations. From their perspective, repeated references to the election in their contacts with Administration officials made good political sense both by highlighting the potential deprivation to the population they wished to help and by reminding Administration officials that they would be held accountable for CUSA progress (or the lack thereof) come the election.

Against this backdrop, White House officials may have been sensitive of the need to naturalize as many new citizens as possible in time for the 1996 general election without having any specific goal of increasing Democratic turnout. Of course, their goal could equally have been the improved delivery of services to a deserving population or, for that matter, the appeasement of some very angry critics. Both of these alternative motivations may be “political” in the larger sense of the word, in that the efficient delivery of service and the satisfaction of interest groups can often promote electoral success. But these are not the troubling partisan goals condemned by CUSA’s critics.

We found some evidence that does indicate an awareness by White House officials that increased naturalization might increase the Democratic turnout in 1996. It would have been hard for political officials to have overlooked the possibility that the Democratic Party might benefit from the naturalization of immigrants given that many immigrant groups perceived the Republican Party as anti-immigrant. Indeed, the White House was receiving numerous complaints from vocal activists who were making that very point—that the Democratic Party could benefit by naturalizing more immigrants. It would be surprising if these references did not engender consideration by some White House officials that accelerated naturalization could affect the election.

We must note, however, that even if certain officials in the White House viewed CUSA as a means to increase the pool of potential Democratic voters, the evidence does not indicate that there was any widespread marshaling of forces within the White House to accomplish such an end. Further, we have not uncovered evidence that the White House deliberately used NPR to water down INS adjudicative standards so that ineligible persons could be naturalized in time to vote in the 1996 election. However, as was discussed in the previous section, NPR representatives paid scant attention to obvious flaws in INS’ adjudication system. Whether this inattention resulted from a desire to increase

the Democratic voter pool, to deliver good “customer service,”<sup>69</sup> to silence the criticisms of community leaders, or from a combination of these factors, the NPR’s involvement with the CUSA program did not redound to the program’s benefit or enhance the quality of adjudications.

The comments of former Chief of Staff Panetta highlight the difficulty of delineating motivations in this case. He told the OIG that, personally, his interest in CUSA was to respond to constituent concerns that a number of people had applied for naturalization, had paid the requisite fees, and were not being processed in a timely manner. He told the OIG that he believed the increase in naturalization applications had been driven, in part, by benefit-cutting legislation sponsored by Republicans. And Panetta said it was only natural to assume that people, in this case immigrants, who felt a political party was targeting them would turn against that party in the voting booths. But, Panetta said, as far as he was concerned the expectation of this backlash was not “the main reason” why the White House sought to increase the pace of naturalization. The “[m]ain reason for us to do it is because people who apply for their citizenship are entitled to have the government do it in a time frame and in a process that is efficient and effective in response to their needs,” Panetta said.

Of course, as Commissioner Meissner told the OIG, the White House is not a “monolith” and it contains a number of officials whose agendas differ. Panetta told the OIG that he never discussed the issue of the naturalization backlog with Ickes, whose role he said was primarily, but not exclusively, to manage the White House campaign effort. Ickes’ involvement in addressing the naturalization backlog, however, indicates that there were discussions about the White House’s role in CUSA that Panetta may not have been privy to. Consequently, it follows that varying or mixed motives concerning the involvement of NPR in CUSA may have existed in the minds of different White House officials.

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<sup>69</sup> Part of the problem may stem from the way different people define “customer.” Farbrother says his only motive (and, he assumed, the only motive of the Vice-President) was to make INS more responsive to its customers. Those “customers” were, in his view, applicants who had paid a fee for a government service and who were then required to wait many months before INS acted on their applications for citizenship. However, by focusing only on serving those “customers,” he and NPR did not serve the larger public who have a right to expect that INS will administer its responsibilities with integrity to ensure that only those applicants who qualify for naturalization will receive this important benefit.

The evidence certainly does not support the contention that CUSA was created for narrow partisan gain. Nor does it support a claim that the White House and NPR hijacked the program to bend it toward such an electoral gain. The record does show, however, that particularly in response to calls by community groups and other concerned parties, White House officials were quite aware of the electoral dimensions of the naturalization backlog.

Even though we cannot precisely pin down the institutional or personal motivations of the relevant actors, we can evaluate the effects of White House and NPR intervention on CUSA and we find that CUSA's flaws cannot fairly be attributed to this intervention. But neither can this intervention fairly be called constructive.